Shakopee Mdewakanton Sioux Community

2330 SIOUX TRAIL NW • PRIOR LAKE, MINNESOTA
TRIBAL OFFICE: 952-445-8900 • FAX: 952-445-8906

OFFICERS
Stanley R. Crooks
Chairman

Glynn A. Crooks
Vice Chairman

Keith B. Anderson
Secretary/Treasurer

March 26, 2010

Brian C. Bell
Environmental Protection Agency
U.S. Environmental Protection Agency
Region 5 Mail Code WN-16J
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: NPDES Permit Renewal Application
Shakopee Mdewakanton Sioux Community
MS4 (MN-0067423)

Mr. Brian Bell:

Enclosed you will find the 2010 MS4 2010 Storm Water Pollution Prevention Program document. The BMP schedules and contact information were updated. Most of the BMPs are ongoing and will continue indefinitely.

If you should require any other information please let me know by contacting me at 952-496-6123 or scott.walz@shakopeedakota.org.

Thanks,

Scott Walz
Hydrologist
SMSC

Shakopee Mdewakanton Sioux Community

MS4 Storm Water Pollution Prevention Program

March 26, 2010

Table of Contents

Table of Tables

1 Summary Statement

A summary of the Storm Water Pollution Prevention Plan shall be included each time the Notice of Intent is updated or reauthorized. The summary shall include:

1. The best management practices (BMPs) that the Shakopee Mdewakanton Sioux Community (SMSC) will implement for each of the six minimum control measures;
2. The measurable goals for each of the BMPs, including, as appropriate, the months and years in which the SMSC will undertake required actions, including interim milestones and the frequency of action, in narrative or numeric form, as appropriate;
3. Estimated timeline(s) (months, years) in which the SMSC will implement each Best Management Practice; and
4. Person(s) responsible for implementing and/or coordinating each component of the phase II Storm Water Program. This should be the contact for the particular component; it may be the overall coordinator or other individual.

Table 1. Best Managment Practices, Measurable Goals, Timeline

Section	Minimum Control Measure	Best M	esponsible Party
5.1.6.1	MCM#1, MCM#3, MCM#5, MCM#6	Distribute	drologist
5.1.6.2	MCM#1, MCM#2, MCM#3	Educatio	drologist
5.1.6.3	MCM#1, MCM#2, MCM#3, MCM#4, MCM#5, MCM#6	Web page	drologist, ISC IT Department
5.1.6.4	MCM#1, MCM#2, MCM#5	Low imp ideas will	drologist
5.1.6.5	MCM#1, MCM#2	Promote v the Educa	drologist, ISC Education Dept.
5.1.6.6	MCM#1, MCM#2, MCM#4, MCM#5	Water res	drologist
5.1.6.7	MCM#1, MCM#2, MCM#3, MCM#4, MCM#5, MCM#6	New high	drologist
5.2.5.1	MCM#2	MS4 publ	drologist
5.2.5.2	MCM#2, MCM#6	Request S Earth We	drologist
5.2.5.3	MCM#2	Storm wa	drologist
5.2.5.4	MCM#2	Update th with mag	drologist
5.3.5.1	MCM#3	Update st	drologist, nsulting firm
5.3.5.2	MCM#3, MCM#2	▪ Contin waste ▪ Promo	lic Works Manager drologist
5.3.5.3	MCM#3, MCM#6	Institution	lic Works Manager erprise Property Services Manager drologist
5.3.5.4	MCM#3	SMSC sta an illicit c	drologist
5.4.5.1	MCM#4	Routine c	drologist
5.4.5.2	MCM#4, MCM#2	SMSC sta completio	drologist
5.4.5.3	MCM#4	Continue controllin	drologist
5.5.5.1	MCM#5	Continue retrofit pr	drologist
5.5.5.2	MCM#5	Continue	drologist
5.5.5.3	MCM#5	Encourag training a	drologist
5.5.5.4	MCM#5	Require L rates exis	drologist tracting firm
5.6.5.1	MCM#6	Continue and groun	drologist
5.6.5.2	MCM#6	Continue treatment	drologist
5.6.5.3	MCM#6	Continue	lic Works Manager erprise Property Services Manager
5.6.5.4	MCM#6	Continue	s Department Manager erprise Property Services Manager
5.6.5.5	MCM#6	Continue response	lic Works Manager erprise Property Services Manager

2 Introduction

Passage of the Clean Water Act has resulted in the marked improvement of the quality of our Nation's waters. Despite this improvement, approximately 40% of surveyed U.S. water bodies are still impaired by pollution and do not meet water quality standards; this according to the 1996 National Water Quality Inventory. According to the inventory a substantial source of this impairment is derived from urban/suburban storm water runoff and construction site discharges (USEPA, 2000).

The EPA promulgated Phase I of the U.S. Environmental Protection Agency's (EPA) storm water program in 1990. Phase I relies on National Pollutant Discharge Elimination System (NPDES) permit coverage to address: 1) storm water runoff from medium and large MS4s generally serving 100,000 or greater; 2) construction activity disturbing 5 acres of land or greater; and 3) ten categories of industrial activity.

The Storm Water Phase II Final Rule is the next step in EPA's effort to preserve, protect, and improve the Nation's water resources from polluted storm water runoff. The Phase II program expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites, through the use of NPDES permits, to implement programs and practices to control polluted storm water runoff.

3 Coverage Under This Permit

3. 1 Permit Area

This permit covers the Trust and Fee lands of the Shakopee Mdewakanton Sioux Community. The 2400 acres of the Shakopee Mdewakanton Sioux Community is fully contained within the boundaries of Scott County, Minnesota.

3. 2 Eligibility

This permit authorizes discharges of storm water from small municipal separate storm sewer systems (MS4s), as defined in 40 CFR § 122.26(b)(16). The Shakopee Mdewakanton Sioux Community is authorized because:

- The SMSC is not a "large" or "medium" MS4 as defined in 40 CFR § 1.22(b)(4) or (7), and
- The SMSC submitted a Notice of Intent (NOI) in accordance with Part 2 of the Permit, and
- The SMSC is designated for permit authorization by EPA pursuant to 40 CFR § 122.32.

3. 3 Authorized Discharges

The following are types of authorized discharges:

1. Storm water discharges. This permit authorizes storm water discharges to waters of the United States from small MS4s identified in Section 3. 2 except as excluded in section 3. 4.
2. Non-storm water discharges. The SMSC is authorized to discharge the following non-storm water sources (Table 2) provided that the permitting authority has not determined these sources to be substantial contributors of pollutants to your MS4:

Table 2. Non-Storm Water Discharges

Water line flushing	Landscape irrigation
Diverted stream flows	Rising ground waters
Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltation does not include, and is distinguished from, inflow.)	
Uncontaminated pumped ground water	Discharges from potable water sources
Foundation drains	Air conditioning condensate
Springs	Irrigation water
Water from crawl space pumps	Footing drains
Lawn watering	Individual residential car washing
Flows from riparian habitats and wetlands	Dechlorinated swimming pool discharges
Street wash water	Discharges or flows from emergency fire fighting activities

3. 4 Limitations on Coverage

This permit does not authorize:

1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
   a. In compliance with a separate NPDES permit, or
   b. Determined not to be a substantial contributor of pollutants to waters of the United States.
2. Storm water discharges associated with industrial activity as defined in 40 CFR § 122.26(b)(14)(i)-(ix) and (xi).
3. Storm water discharges associated with construction activity as defined in 40 CFR § 122.26(b)(14)(x) or 40 CFR § 122.26(b)(15)
4. Storm water discharges currently covered under another permit.
5. Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA.
6. Discharges and discharge-related activities with unconsidered adverse effects on historic properties.
7. Discharges that would cause or contribute to in stream violations of water quality standards.
8. Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been established or approved by the EPA unless the discharge is consistent with that TMDL.

3. 5 Obtaining Authorization

As a requirement of obtaining authorization the SMSC has completed the following prerequisites:

1. Submitted a notice of intent (NOI) and a description of the storm water management program in accordance with the deadlines presented in section (4. 1) of this permit.
2. Submitted the information required in section (4. 2) on the latest version of the NOI form or photocopy thereof.

Unless notified by the EPA to the contrary, the SMSC is authorized to discharge storm water from small MS4s under the terms and conditions of this permit thirty (30) days after the date that the NOI is postmarked.

3. 6 Change of operator

In this case the SMSC will remain the Operator throughout the life of the permit and into the foreseeable future.

4 Notice of Intent Requirements

4. 1 Deadlines for Notification

Unless granted a waiver the Notice of Intent and a description of the storm water management program or the application for an individual permit was required to be submitted by March 10, 2003.

The SMSC was granted a waiver because the SMSC met three requirements established in 40CFR 122.32 (d).

40 CFR 122.32 (d), the M/TS4 must serve a population of less than 1000.
The measure of population contemplated by the regulations is the most current United States Census Bureau data. Small M/TS4s are only regulated where they fall in "urbanized areas". Location in an urbanized area is determined by the latest "decennial Census by the Bureau of the Census". Use of census data to establish urbanization requires that the same data establish population. The latest reported decennial Census population of the SMSC is 338 persons.

40 CFR 122.32 (d) (1), The M/TS4 must not contribute substantially to pollution loadings of a physically connected and regulated M/TS4.
There is no physical connection between the SMSC M/TS4 and any other system. It is a freestanding system located near the headwaters of a minor watershed. Outfalls for the SMSC M/TS4 are not part of any M/TS4. The definition of a M/TS4 in 40 CFR 122.26 (b) (8) states that a M/TS4 is a conveyance or system of conveyances owned or operated by a jurisdiction for purposes of conveying storm water. The definition includes a typical list of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditchs, man-made channels or storm drains. The regulation clearly contemplates a man made "conveyance" by the term "physically connected". The SMSC M/TS4 terminates at several outfalls as defined in 40 CFR 122.26 (b). There is no "conveyance" connecting the SMSC M/TS4 to any other M/TS4.

40 CFR 122.32 (d) (2), The M/TS4 must not discharge any pollutant listed as a cause of impairment into a water with an EPA approved Total Maximum Daily Load (TMDL) limit.
The SMSC does not discharge into any water with an EPA approved TMDL limit for any pollutant. In fact, there are no EPA approved TMDL limits for waters in the State of Minnesota.

The SMSC is applying for permit coverage and has developed a Storm Water Pollution Prevention Program because 40 CFR 122.32 (d) (1) no longer applies. The SMSC is now physically connected to the Prior Lake Municipal Separate Storm Sewer System (Figure 2).

This permit authorizes discharges that occur after the permit coverage is granted.

4. 2 Required Contents of the Notice of Intent

The following information is required on all notices of intent, reports, certifications, or information submitted to the permitting authority:

Shakopee Mdewakanton Sioux Community
2330 Sioux Trail N.W.
Prior Lake, MN 55372
Federally recognized Indian Community
Located NW ¼ of Section 33, T115, R22W, Scott County, Minnesota
Approximate MS4 center: Latitude 44°00'00"N Longitude 93°28'15"W

Receiving waters:

DNR-Protected Wetland No. 70-80P	SMSC Wetland No. C-14
SMSC Wetland No. C-1	SMSC Wetland No. C-23
SMSC Wetland No. C-9	SMSC Wetland No. S-1
SMSC Wetland No. C-8	SMSC Wetland No. S-11a
SMSC Wetland No. C-11	SMSC Wetland No. S-12
SMSC Wetland No. C-12	SMSC Wetland No. S-13
SMSC Wetland No. C-13	SMSC Wetland No. S-16
SMSC Wetland No. C-15	SMSC Wetland No. S-17b
SMSC Wetland No. C-16	SMSC Wetland No. S-20
SMSC Wetland No. C-12	SMSC Wetland No. S-21
SMSC Wetland No. C-25	SMSC Wetland No. S-22
SMSC Wetland No. C-17	SMSC Wetland No. S-5
SMSC Wetland No. C-21	

None of these waters are on the Clean Water Act §303(d) list of impaired waters or have total maximum daily loads.

4. 3 Requirements for MS4 Storm Water Management Program

The SMSC will implement, and enforce a storm water management program designed to reduce the discharge of pollutants from the small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The SMSC management program includes the following information for each of the six minimum control measures described in Section 5 of this permit:

- The best management practices (BMPs) that the SMSC, or another regulated entity, will implement for each of the storm water minimum control measures;
- The measurable goals for each of the BMPs including, as appropriate, the months and years in which the SMSC will undertake required action, including interim milestones and the frequency of the action; and
- The person or persons responsible for implementing or coordinating the BMPS for the SMSC storm water management program.
- In addition to the requirements listed above, the SMSC has provided the justification for each minimum control measure.
- The program must be developed and fully implemented within five years of permit issuance.

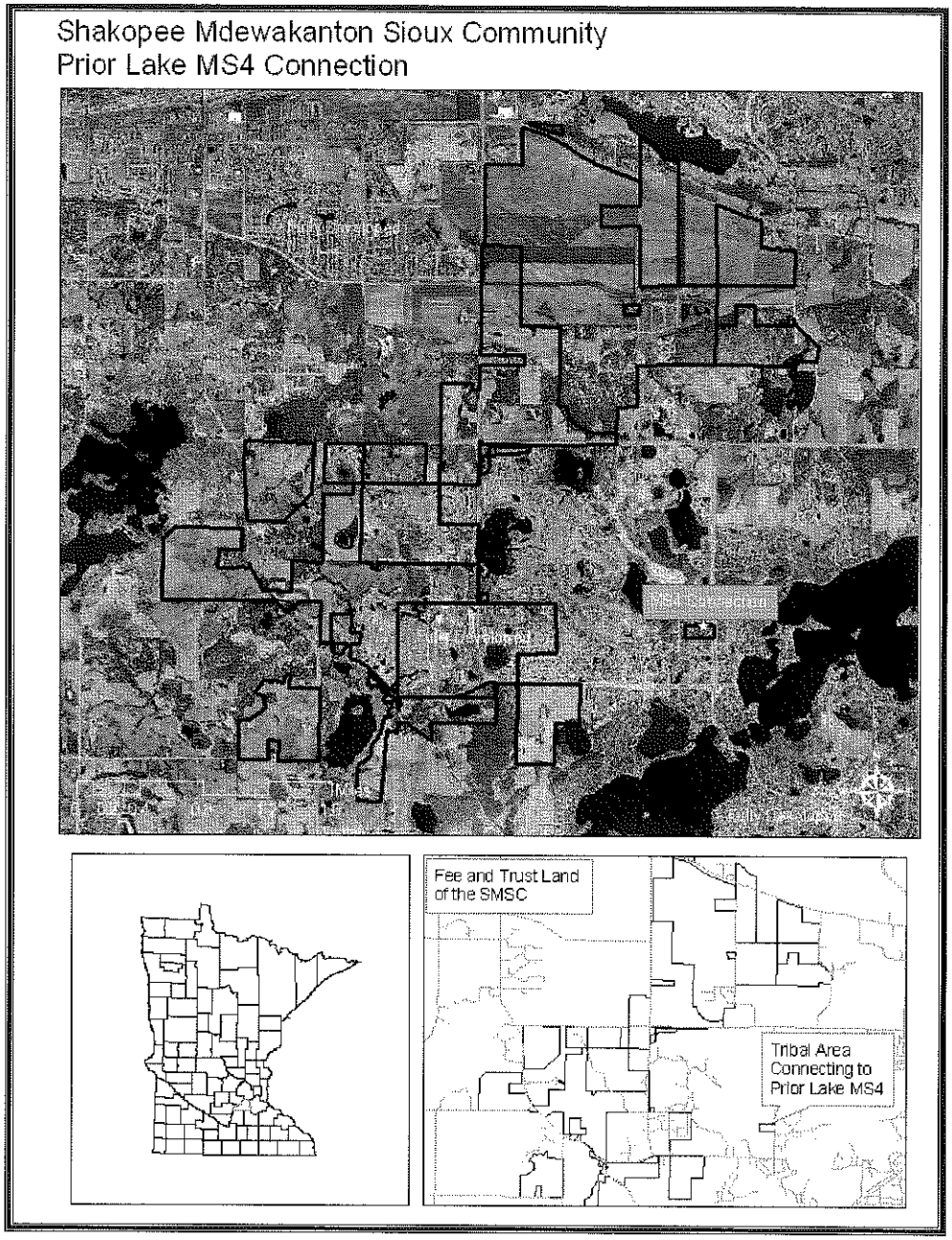


Figure 2. SMSC Connection with Prior Lake MS4

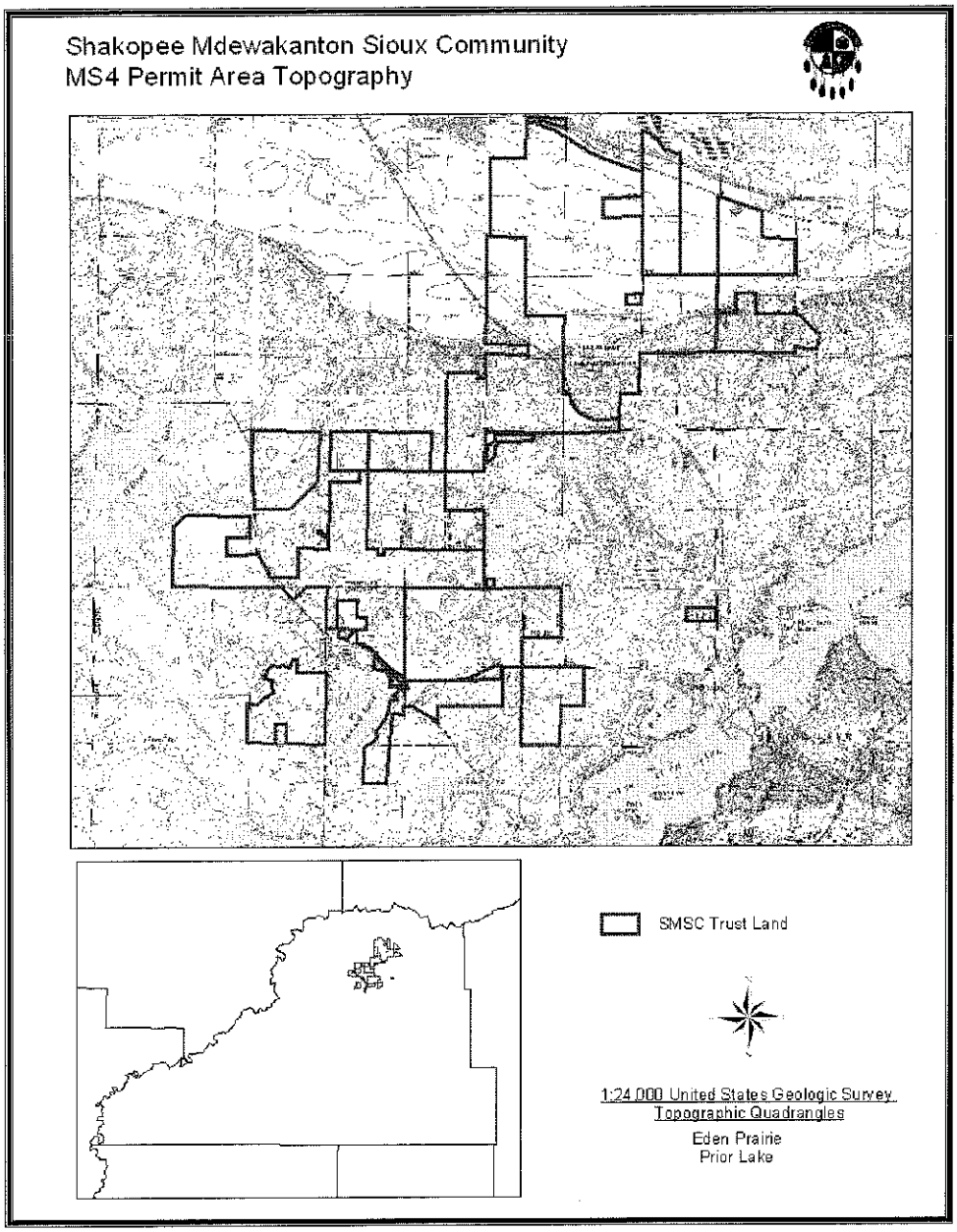


Figure 3. MS4 Permit Area Topography

5 Storm Water Pollution Prevention Program Minimum Control Measures

The six minimum control measures that must be included in the storm water pollution prevention program are:

5. 1 Public Education and Outreach on Storm Water Impacts

5.1.1 Objective

To reduce pollutant loading to water bodies to the Maximum Extent Practicable (MEP) by providing educational materials and opportunities to residents, and, institutional and enterprise employees.

5.1.2 Justification

Why Is Public Education and Outreach Necessary?

An informed and knowledgeable community is crucial to the success of a storm water pollution prevention program since it helps to ensure the following:

- *Greater support* for the program as the public gains a greater understanding of the reasons why it is necessary and important. Public support is particularly beneficial when operators of small MS4s attempt to institute new funding initiatives for the program or seek volunteers to help implement the program; and
- *Greater compliance* with the program as the public becomes aware of the personal responsibilities expected of them and others in the community, including the individual actions they can take to protect or improve the quality of area waters.

5.1.3 Requirements

To satisfy this minimum control measure, the operator of a regulated small MS4 needs to:

- Implement a public education program to distribute educational materials to the SMSC, or conduct equivalent outreach activities about the impacts of storm water discharges on local water bodies and the steps that can be taken to reduce storm water pollution; and
- Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

5.1.4 Education Component Development

As of March 10, 2003 several municipalities, townships, and Scott County were required to develop and implement Municipal Separate Storm Sewer System (MS4) programs under the National Pollutant Discharge Elimination System (NPDES) Phase II. During the first year of the Minnesota MS4 program the education component was not required, but beginning March 10, 2004 MS4 permit holders were mandated to provided an educational component for each of the six Minimum Control Measures (MCMs) that are required as part of the MS4 permit. The entities listed below have decided that they will partner to provide the educational components of the MS4 permit, thereby minimizing the funds required to accomplish this task and relying on existing information or a team approach to provide education under their respective MS4 permit programs. Each entity will decide which portions of the education plan they will undertake as part of their MS4 permit. The entities partnering for this endeavor include:

- Scott County

- Scott Soil and Water Conservation District,
- Shakopee Mdewakanton Sioux Community
- Prior Lake / Spring Lake Watershed District
- City of Prior Lake
- City of Shakopee
- Credit River Township
- Jackson Township
- Louisville Township, and
- Spring Lake Township

Because the SMSC requested and received a MS4 waiver the education plan was part of the primary MS4 application submitted to the EPA on March 10, 2004. The SMSC education component MCM#1 has been enhanced in several areas to take advantage of some of the opportunities that may be unique to the SMSC. As a result several of the education components in the SMSC Storm Water Pollution Prevention Program are not found in the Joint Education Plan. For instance; the SMSC has an Education Department that is utilized to encourage participation in education opportunities.

5.1.5 Current program

The education program listed below contains the items that are currently utilized.

1. Each year in conjunction with earth week there are a series of events developed or arranged by the Land Department staff in an effort to provide educational opportunities to the general public, SMSC employees and SMSC Members. This includes:
    a) Tours of the well water treatment plant;
    b) An educational table with bulletins discussing:
        - Lawn care
        - Automobile pollution prevention
        - Hazardous waste handling
        - Recycling
        - Habitat sustainability and development
        - Wetlands
        - Composting
    c) Nature walk with SMSC children
    d) Drinking mug give away and painting for waste reduction
    e) Environmental quizzes and subsequent prize giveaway
    f) Built and installed bird houses
    g) Toadilly Turtle play which emphasizes storm water pollution reduction
    h) Boiling Springs educational tour and cleanup
    i) Wetland visit and trash cleanup
    j) Worm bin composting project
    k) Making recycled paper
    l) Tour of a recycling plant
2. Articles are written for the Iapi-Oayi. Erosion control, lawn maintenance and water quality sampling are just a few of the articles that have been produced.

3. The document, "Water Resource Protection Guidelines" was developed and mailed to each SMSC Member as an education item.
4. A hazardous waste and product recycling drop-off bulletin was developed, laminated and sent to SMSC Members.
5. A magnet was developed that displayed home and lawn maintenance ideas geared toward protecting water quality.

The SMSC will implement a public education program to distribute educational materials to the SMSC and conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

5.1.6 Measurable goals and timeframe

Minimum Control Measure #1

5.1.6.1 The SMSC will distribute informational brochures and "how to" handouts to SMSC Members. Specific brochures and handouts include: "A no phosphorous strategy"; "Green up lawns not lakes and rivers"; "How do I properly dispose of my hazardous waste?"; "Where should I outlet my sump pump?"; and "Where should I discharge my pool water?". Other applicable informational brochures and handouts from the Scott County Soil and Water District and the Environmental Protection Agency may also be distributed or included via a link on the SMSC web site. These brochures and or handouts may be composed of single or multiple topics.

Best Management Practice:	Provide information in printed and retainable documents	
Measurable Goal:	Document the number of brochures and handouts distributed	
Timeline:	This is an ongoing activity. Items will be distributed during Earth Week and upon request.	
Responsible Party	SMSC Hydrologist	(952) 496-6123
Target Audience:	SMSC Members and SMSC Employees	
Education Component Crossover:	MCM #3, MCM#5, MCM#6	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #1

5.1.6.2 The SMSC will develop and publish storm water articles in the local newsletter. The newsletter is distributed to the SMSC Members monthly and a natural resource article is usually included. In this newsletter SMSC Members and employees will be notified of clean up, recycling, restoration, renovation, hazardous waste pickup events and activities in which they can participate.

Best Management Practice:	Develop and publish articles in local newsletter	
Measurable Goal:	To develop and have approved for submittal at least one article per year relating to storm water	
Timeline:	This is an ongoing activity. The stormwater/water quality related articles will be submitted to coincide with the spring storm water season.	
Responsible Party:	SMSC Hydrologist	(952) 496-6123
Target Audience:	SMSC Members and SMSC Personnel	
Education Component Crossover:	MCM#2, MCM#3	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #1

5.1.6.3 The SMSC Land Department web page currently contains information pertaining to groundwater, nonpoint source management and wetland management. The web page will be updated so SMSC Members and the General public can find information, report concerns and become involved.

Best Management Practice:	Update web site to include: 1. Low impact development projects 2. Links to web sites that provide storm water related information and BMPs. The MPCA website, cleanwatermn.org, the SWCD and the EPA website are several examples of website links that will be provided; 3. Links to Education Plan participating partners; 4. The Tribal site development, erosion control, and storm water-permitting information; 5. Hazardouse waste disposal, recycling and compost information; 6. Contact information;
Measurable Goal:	Tracking the number of web site updates and content will be the primary measurable goal.
Timeline:	The web page will be updated annually.
Responsible Party:	SMSC Hydrologist (952) 496-6123 SMSC IT Department
Target Audience:	SMSC Members and General Public
Education Component Crossover:	MCM#2, MCM#3, MCM#4, MCM#5, MCM#6

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #1

5.1.6.4 The SMSC Land Department will offer a low impact lawn care, landscaping, or site development information for SMSC Members.

Best Management Practice:	Offer low impact lawn care, landscaping, or site development information for SMSC Members	
Measurable Goal:	This is an ongoing activity. The number of SMSC Members receiving information on low impact lawn care, landscaping or site development	
Timeline:	The information distribution is a current best management practice.	
Responsible Party:	SMSC Hydrologist	(952) 496-6123
Target Audience:	SMSC Members	
Education Component Crossover:	MCM#2, MCM#5	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #1

5.1.6.5 The SMSC Land Department will team with the SMSC Education Department or Playworks summer care program or to promote youth water resource related opportunities. While specific activities and a set agenda have not been developed several known opportunities for education will be promoted.

Best Management Practice:	Promote water resource related opportunities to local youth via the Education Department. Examples include: 1. Envirothon 2. Outdoor Education Days 3. Youth essays/poster contests 4. Earth Day 5. Youth Arbor Day Presentation 6. Celebrate Resource Days 7. Children's Water Festival
Measurable Goal:	A record will be kept of the curricula presented and number of SMSC Youth attending
Timeline:	This is an ongoing activity
Responsible Party:	SMSC Hydrologist (952) 496-6123 SMSC Education Department
Target Audience:	SMSC Member and community youth
Education Component Crossover:	MCM#2

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #1

5.1.6.6 The SMSC will maintain a water resource information bookshelf for SMSC Members and employees. This bookshelf contains books, pamphlets and other resources to assist SMSC Members in protecting water quality. Shorescaping for Water Quality is just one example of the type of book that can be utilized by SMSC Members. The bookshelf is located in the SMSC Government Library.

Best Management Practice:	Upkeep of a water resource information bookshelf	
Measurable Goal:	A record will be kept of the number of items checked out from the SMSC Library Land Department bookshelf	
Timeline:	This is an ongoing activity	
Responsible Party:	SMSC Hydrologist	(952) 496-6123
Target Audience:	SMSC Members	
Education Component Crossover:	MCM#2, MCM#4, MCM#5	

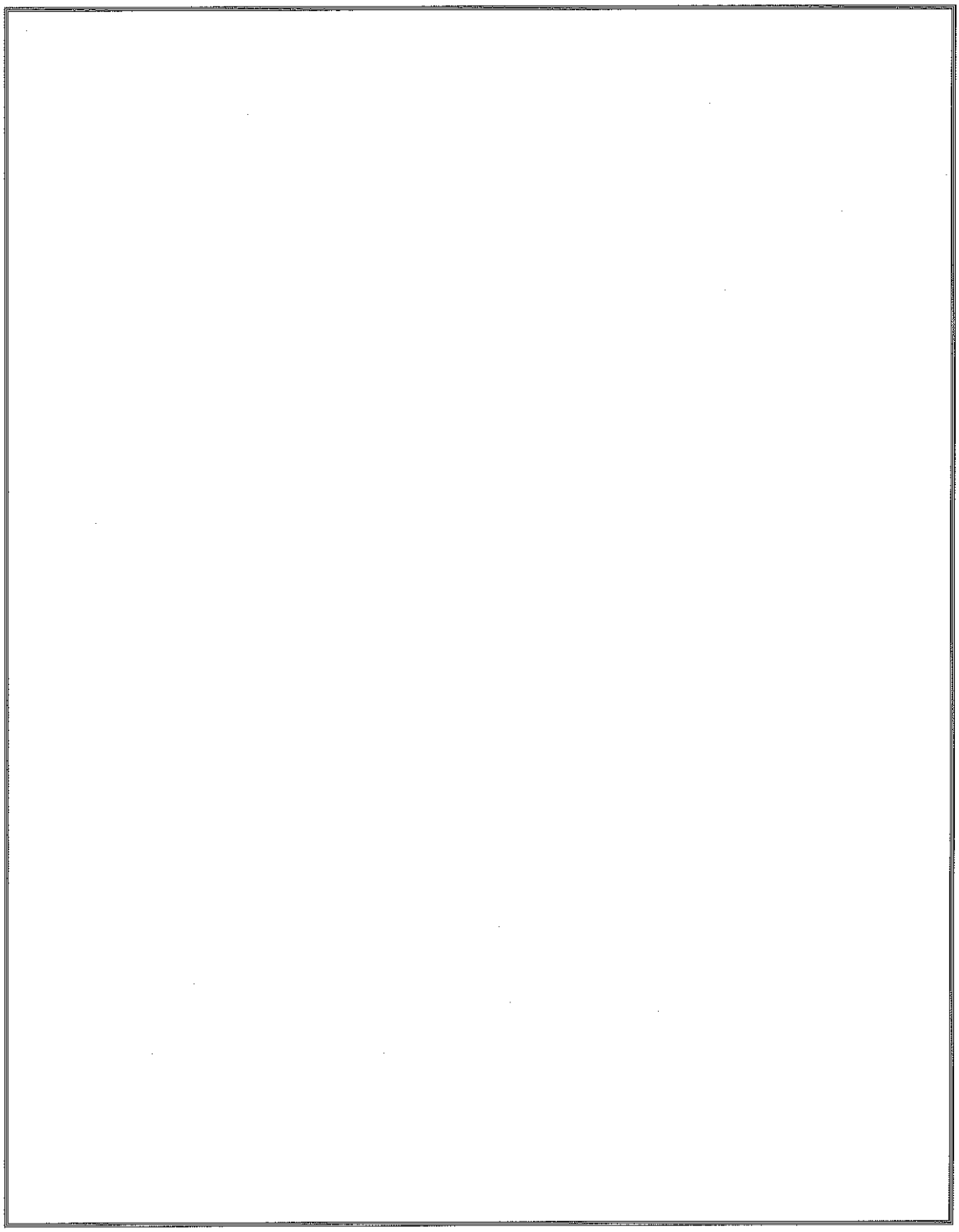
RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #1

5.1.6.7 The SMSC will stencil or adhere markers to the curb next to high visibility storm drain inlets.

Best Management Practice:	Mark high visibility storm drain inlets
Measurable Goal:	A record will be kept of the number of storm drains stenciled
Timeline:	All high visibility storm drains have been stenciled. New high visibility storm drains will be stenciled when the opportunity becomes available
Responsible Party:	SMSC Hydrologist (952) 496-6123
Target Audience:	SMSC Members, SMSC Personnel, Building Contractors and the General Public
Education Component Crossover:	MCM#2, MCM#3, MCM#4, MCM#5, MCM#6

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE



5.1.7 Contact Information

The Shakopee Mdewakanton Sioux SMSC Business Council has delegated authority for the overall management for the Public Education and Outreach program.

Title	Name	Contact Number
Land Department Director	Stan Ellison	952-496-6158

Table 3. Public Education and Outreach on Storm Water Impacts Overall Management Contact

5. 2 Public Participation/Involvement

5.2.1 Objective

To have the SMSC actively involved in the storm water pollution prevention program.

5.2.2 Justification

Why Is Public Participation and Involvement Necessary?

EPA believes that the public can provide valuable assistance to a regulated small MS4's municipal storm water pollution prevention program and, therefore, suggests that the public be given opportunities to play an active role in both the development and implementation of the program. An active and involved community is crucial to the success of a storm water management program because it allows for:

- *Broader public support* since citizens who participate in the development and decision making process are partially responsible for the program and, therefore, may be less likely to raise legal challenges to the program and more likely to take an active role in its implementation;
- *Shorter implementation schedules* due to fewer obstacles in the form of public and legal challenges and increased sources in the form of citizen volunteers;
- *A broader base of expertise* and *economic benefits* since the community can be a valuable, and free, intellectual resource; and
- *A conduit to other programs* as citizens involved in the storm water program development process provide important cross-connections and relationships with other community and government programs. This benefit is particularly valuable when trying to implement a storm water program on a watershed basis.

5.2.3 Requirements

To satisfy this minimum control measure, the operator of a regulated small MS4 must

- Comply with applicable State, Tribal, and local public notice requirements; and
- Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

5.2.4 Current Program

The SMSC has involved the public in the development and submittal of the original NOI and storm water management program through the following means:

a. Notices were printed and placed in two public locations where they were highly visible to the SMSC Members. The SMSC Members were also provided notices via mail. A notice was also placed in the local newsletter, Iapi Oaye, 30 days prior to the public meeting.
b. The SMSC participated in a joint Public Hearing with local townships, cities and Scott County after the public was notified and the 30-day notice period had expired.

The public will have numerous opportunities to become involved. The opportunities fit into three broad categories:

i. Education – the SMSC will provide literature to the residents, business owners and operators, and institutional managers explaining the MS4 Notice of Intent and the implications.

ii. Action – The SMSC will notify residents, business owners and operators, and institutional managers of specific projects in which they can become involved. Contact may be initiated through passive (i.e. - newsletter articles) or active (i.e. – telephone) means.

iii. Direct solicitation for review and comment – If a specific project is proposed to treat storm water through alternative methods the affected resident, business owner and operator, and institutional manager will be notified and asked to provide comment. Alternative methods include but are not limited to rain barrels, infiltration swales and bioretention areas.

The target audience for the public involvement program will primarily be the SMSC Members. The secondary audience will be the managers of SMSC enterprises, SMSC businesses owners, SMSC staff, institutional managers, and neighbors residing in the immediate watershed.

Comment [S1]: May want a definition as to what primary and secondary mean. For instance: primary participants can sit on the storm water advisory panel but secondary participants would not.

The Hydrologist will provide oversight to ensure implementation of the goals and objectives. The Water Resource Technician will perform the daily activities associated with all education components of each minimum control measure.

The success of this minimum control measure can be directly related to the willingness of the SMSC residents and workforce to participate and the ability of the SMSC Land Department to design interesting and relevant education opportunities.

The measurable goals were selected on the historical success of these and similar BMPs. For those BMPs that do not have a history the BMP was selected based on anticipated participation and success.

5.2.5 Measurable Goals and Timeframe

Minimum Control Measure #2

5.2.5.1 The SMSC Land Department will hold an annual public meeting to discuss the progress towards completion of the MS4 objectives and significant changes to the MS4 control measures. Notification of the public hearing will take place at least 30 days in advance.

Best Management Practice:	Annual public meeting to discuss storm water program progress. The public meetings are announced through public notice in the local newsletter and the Prior Lake and Shakopee Newspapers
Measurable Goal:	Track number of attendees at the public meeting
Timeline:	This is an ongoing activity and will be continued indefinately
Responsible Party:	SMSC Hydrologist (952) 496-6123
Target Audience:	SMSC Members and General Public

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #2

5.2.5.2 All SMSC Members will be notified in Iapi Oaye of their requested involvement in the Earth Week activities. For instance; during the 2010 Earth Week activities SMSC Members and SMSC employees will be invited to iron patches on t-shirts, go on tours, participate in crosswords, and make recycled paper.

Best Management Practice:	Request SMSC Member and SMSC Employee involvement in Earth Week activities
Measurable Goal:	A record will be kept of the number of participating SMSC Members. The goal will be to have participation by 10% of SMSC Members and 10% of SMSC Employees.
Timeline:	This is an ongoing activity and will be continued indefinately
Responsible Party:	SMSC Hydrologist (952) 496-6123
Target Audience:	SMSC Members and SMSC Employees
Education Crossover Component:	MCM #6

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #2

5.2.5.3 SMSC Members and their kids, and the local daycare children have been invited since 2004 to come and watch a play with storm water as the specific focus. This will continue into the foreseeable future, although the precise date is uncertain due to increased demand during earth week.

Best Management Practice:	Continue to sponsor a storm water education play	
Measurable Goal:	The number of children attending the play will be recorded	
Timeline:	This is an ongoing project that will continue into the foreseeable future	
Responsible Party:	SMSC Hydrologist	(952) 496-6123
Target Audience:	SMSC Children and local daycare children	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #2

5.2.5.4 The SMSC pollution prevention guide will be updated with new hazardous waste drop-off locations, electronics disposal locations and paint collection site information. The guide will be promoted in a local newsletter article. The Members will then have the ability to contact the Land Department if they have questions, concerns about construction runoff and waste, or see illicit discharges.

Best Management Practice:	Update the SMSC pollution prevention guide	
Measurable Goal:	The update of a pollution prevention guide	
Timeline:	The pollution prevention guide will be updated by January 1, 2012	
Responsible Party:	SMSC Hydrologist	(952) 496-6123
Target Audience:	SMSC Members	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

5.2.6 Contact Information

The Shakopee Mdewakanton Sioux Community Business Council has delegated authority for the overall management of the Public Participation/Involvement program.

Title	Name	Contact Number
Land Manager	Stan Ellison	952-496-6158

Table 4. Public Participation/Involvement Overall Management Contact.

5. 3 Illicit Discharge Detection and Elimination

5.3.1 Objective

Develop, implement and enforce an illicit discharge detection and elimination program.

5.3.2 Justification

Why are illicit discharge detection and elimination efforts necessary?

Discharges from MS4s often include wastes and wastewater from non-storm water sources. A study conducted in 1987 in Sacramento, California, found that almost one-half of the water discharged from a local MS4 was not directly attributable to precipitation runoff. A significant portion of these dry weather flows were from illicit and/or inappropriate discharges and connections to the MS4.

Illicit discharges enter the system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the MS4 from cracked sanitary systems, spills collected by drain outlets, or paint or used oil dumped directly into a drain). The result is untreated discharges that contribute high levels of pollutants, including heavy metals, toxics, oil and grease, solvents, nutrients, viruses, and bacteria to receiving waterbodies. Pollutant levels from these illicit discharges have been shown in EPA studies to be high enough to significantly degrade receiving water quality and threaten aquatic, wildlife, and human health.

5.3.3 Requirements

The final rule requires an operator of a regulated small MS4 to develop, implement and enforce an illicit discharge detection and elimination program. This program must include the following:

- A storm sewer system map showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
- Through an ordinance, or other regulatory mechanism, a prohibition (to the extent allowable under State, Tribal, or local law) on non-storm water discharges into the MS4, and appropriate enforcement procedures and actions;
- A plan to detect and address non-storm water discharges, including illegal dumping, into the MS4;
- The education of public employees, businesses, and the general public about the hazards associated with illegal discharges and improper disposal of waste; and
- The determination of appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

5.3.4 Current Program

The SMSC will use existing digital mapping files to determine the location of all outfalls and the names and location of all receiving waters. Since the installation of reservation storm sewer has primarily occurred within the previous 10 years nearly all pipes, inlets and outfalls are in a digital format. Because most of the files are part of individual project files they were merged together and formatted so one complete storm sewer coverage could be generated.

After the generation of the storm sewer coverage each outfall was surveyed and information gathered. Relevant information includes:

1. Overall appearance;

2. Structural integrity;
3. Water level;
4. Diameter;
5. Staining and smudges;
6. Odor; and
7. Other abnormal conditions.

After each storm sewer outfall was surveyed the storm sewer map was updated. Subsequent updates will include any newly installed storm sewer or outfalls. At the end of each year the storm sewer coverage will be updated to include newly installed storm sewer and outfalls.

The following sections are those from Chapter 11 of the Consolidated Land Management Ordinance (Appendix A) that pertain to illicit discharges:

11.4.5 Illicit Discharge
An illicit discharge means any discharge to any storm sewer that is not composed entirely of storm water except discharges pursuant to any duly issued National Pollution Discharge Elimination System Permit and discharges resulting from fire fighting activities.

11.5.1 Uncontrolled Discharge Prohibited
Uncontrolled and untreated discharge of storm water into any natural water of the SMSC or any other jurisdiction is prohibited from the effective date of this Chapter. Such discharges existing on the effective date of this Chapter shall be excluded from this prohibition until there is a material change, alteration or restructuring of the primary facility contributing to the discharge.

11.5.2 Illicit Discharge
Illicit discharges into any storm water management or treatment system or any natural waters of the SMSC or any other jurisdiction are prohibited.

All SMSC Members and businesses reside on lands that are leased from the SMSC. These leases contain provisions requiring compliance with all tribal law. Non-compliance with tribal law constitutes a breach of the lease allowing for revocation in extreme cases. Before such action, the SMSC will contact the offender to inform them of the violation and make every attempt to rectify the illicit discharge.

Residential land leases are subject to the laws of the Community as defined in Chapter 4.7 of the Consolidated Land Management Ordinance. Should the resident fail to comply with the terms of the lease the Community can begin procedures for lease termination (SMSC Consolidated Land Management Ordinance, 2002).

Business leases are written in accordance with Tribal law and contain provisions that prohibit the degradation of Community resources.

From 2004 to 2007 all storm sewer outlets were inspected for dry weather flows. One third will be randomly selected and inspected again in 2012 and 2013.

Should an outfall show signs of illicit discharge the discharge will be traced upstream in the storm sewer. Once the location is narrowed, and if the source has still not been identified, further investigation will include but not be limited to dye testing and video inspection.

5.3.5 Measurable Goals and Timeline

Minimum Control Measure #3

5.3.5.1 The SMSC will continue to update its storm sewer system map. Land Department staff sample streams, wetlands and lakes; therefore, many outfalls have been visually verified. Where existing information is inadequate the SMSC will survey the remaining components of the system. Annual updates of storm sewer system map will be completed.

Best Management Practice:	The SMSC will continue to update the storm sewer coverage of the piping and outfalls of any system where the piping is 12" in diameter or larger
Measurable Goal:	An updated map of a storm sewer system
Timeline:	This will be an annual goal accomplished by February 1.
Responsible Party:	SMSC Hydrologist 952-496-6123

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #3

5.3.5.2 The household hazardous waste pickup program managed by the Land and Public Works Departments removes a potential waste stream and illicit discharge from landfills, unregulated disposal sites, and the storm sewer system. The SMSC will also continue to promote the use of the Scott County Waste Transfer Station. The SMSC will continue this program into the indefinite future.

Best Management Practice:	▪ Continue the recycling pickup and drop-off program for household hazardous waste ▪ Promote the Scott County Waste Transfer Station	
Measurable Goal:	▪ A summary of the amount of hazardous waste collected through the SMSC hazardous waste collection program. ▪ The number of visits to the Transfer Station	
Timeline:	Annual	
Responsible Party:	SMSC Public Works Manager	(952) 496-6176
	SMSC Hydrologist	(952) 496-6123
Target Audience:	SMSC Members	
Education Component Crossover:	MCM#2	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #3

5.3.5.3 Training and education may be the most cost-effective tool to get business owners and employees, government employees, and residents to understand the detrimental affect hazardous waste can have on water bodies when not handled and disposed of properly. The SMSC developed a training video and companion test to determine if employees understand how to handle a hazardous waste spill. This best management practice will overlap with the public education and good housekeeping/pollution prevention minimum control measures.

Best Management Practice:	Continue the training program for institutional and enterprise employees	
Measurable Goal:	Track the number of employees that watch the video and take the test.	
Timeline:	This is a ongoing BMP	
Responsible Party:	SMSC Hydrologist	(952) 496-6123
	SMSC Public Works Manager	(952) 496-6176
	Enterprise Property Services Manager	(952) 403-5597
Target Audience:	Public Works, Property Services and Enterprise Staff	
Education Crossover	MCM#6	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #3

5.3.5.4 A storm sewer coverage was generated and a portion will be visually inspected to determine if there are illicit discharges. Color, odor, staining and dry weather flow will be used as indicators of illicit discharge. This is an ongoing activity. The continuation of this activity will include the inspection of one-third of all outfalls. If there is flow a second dry weather inspection of that outfall will occur. If flow still exists an investigation into the source of the flow will begin and may include dye, video inspection or drainage and construction figures.

Best Management Practice:	SMSC staff will inspect one-third of the outfalls to determine if an illicit discharge exists
Measurable Goal:	A record of the results of the visual inspection
Timeline:	2012 -2013 randomly select one-third of all outfalls and inspect for dry weather flow.
Responsible Party:	SMSC Hydrologist 952-496-6123

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

5.3.6 Contact Information

The Shakopee Mdewakanton Sioux Community Business Council has delegated authority for the overall management of the illicit discharge detection program.

Title	Name	Contact Number
Land Department Director	Stan Ellison	952-496-6158

Table 5 Illicit Discharge Detection Overall Management Contact.

5. 4 Construction Site Storm Water Runoff Control

5.4.1 Objective

To reduce pollutant loading to water bodies to the Maximum Extent Practicable (MEP) through the development of an erosion and sediment control and storm water management program.

5.4.2 Justification

Why is the control of construction site runoff necessary?

Polluted storm water runoff from construction sites often flow to MS4s and ultimately is discharged into local rivers and streams. Sediment from construction sites is usually the main pollutant of concern. Sediment runoff rates from construction sites are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forest lands. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical, and biological harm to our nation's waters. For example, excess sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitats.

5.4.3 Requirements

The Phase II Final Rule requires an operator of a regulated small MS4 to develop, implement, and enforce a program to reduce pollutants in storm water runoff to their MS4 from construction activities that result in a land disturbance of greater or equal to one acre. The small MS4 operator is required to:

- Have an ordinance or other regulatory mechanism requiring the implementation of proper erosion and sediment controls, and controls for other wastes, on applicable construction sites;
- Have procedures for site plan review of construction plans that consider potential water quality impacts;
- Have procedures for site inspection and enforcement of control measures;
- Have sanctions to ensure compliance (established in the ordinance or other regulatory mechanism);
- Establish procedures for the receipt and consideration of information submitted by the public; and
- Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure. Suggested BMPs (i.e., the program actions/activities) and measurable goals are presented below.

5.4.4 Current Program

The education program listed below contains the items that are currently utilized.

1. Semi-monthly articles are written for the Iapi-Oayi. Erosion control, lawn maintenance and water quality sampling are just a few of the articles that have been produced.
2. The document, "Water Resource Protection Guidelines" was developed and mailed to each SMSC Member as an education item.
3. The Land Department staff developed a presentation for residential builders that described in detail the SMSC erosion and sediment control and storm water management programs. An interactive question and response period immediately followed the presentation.

In March of 2003 the Shakopee Mdewakanton Sioux Community (SMSC) enacted Chapter 11 of its' Consolidated Land Management Ordinance. This chapter specifically addresses storm water management and erosion control.

The stated purpose of Chapter 11 is:

> *"The purpose of this Ordinance is to safeguard persons, protect property, and prevent damage to the environment on the trust and fee lands of the Shakopee Mdewakanton Sioux Community by reducing the amount of pollutants in the waters of the SMSC. This Ordinance will promote the public welfare by regulating the management of storm water discharges and by regulating the design, construction, and maintenance of any development that disturbs or breaks the topsoil on the trust and fee lands of the Shakopee Mdewakanton Sioux Community" (Consolidated Land Ordinance, Section 4.1).*

The Ordinance gives the SMSC Business Council the authority to regulate storm water discharges and erosion and sediment control on the Fee and Trust lands of the SMSC.

Because the SMSC owns, maintains and operates on fee land and land held in trust by the United States Government a program that adhered to federal, tribal, state, county, and local requirements was necessary. This was accomplished by incorporating all of the necessary components of the rules and regulations of each governing body.

The rules and regulations were summarized, modified and incorporated into the Tribal Manual of Approved Erosion Control and Storm Water Management Practices. This manual is divided into two parts:

Part I: Erosion Control Plan and Storm Water Pollution Prevention Plan Requirements
Part II: Common Erosion, Sediment and Storm Water Control Best Management Practices

Part I of the manual describes the rules, regulations and practices required when soil is disturbed. Part II of the manual contains best management practices that are commonly used to comply with Part I.

The intended audience is:

1. Residential, commercial and institutional contractors
2. Landscapers
3. Community Enterprise staff involved in land disturbing activities
4. Tribal Government staff involved in land disturbing activities

The following is required when the land disturbance is equal to or greater than 500 $ft.^2$.

1. A Site Development Permit Application
2. An Erosion and Sediment Control Plan (ESCP)
3. A required elements checklist
4. The processing fee
5. A letter of transmittal

The following is required when any land disturbing activity is greater than or equal to 1 acre:

1. A Storm Water Pollution Prevention Plan
2. A Site Development Permit Application

The Storm Water Pollution Prevention Plan (SWPPP) submitted with each Site Development Permit Application will meet the requirements of the State and Federal NPDES Phase II permits. Additional hydraulic and hydrologic information, discussed in Section 5. 5, is also required.

To ensure the storm water and erosion control requirements are followed, the SMSC maintains a presence during plan development, plan implementation and project completion. This is accomplished via 1) plan review, 2) correspondence with operator(s), 3) site inspections, 4) stop work orders, and 5) erosion control device inspection.

Order of operations

1. An ESCP and/or a SWPPP are/is submitted with the required elements checklist, Site Development Permit application and a Letter of Transmittal. The plan is reviewed by SMSC Land Department Staff.
    a. If the plan describe acceptable methods to control trash, contain pollutants, and considers potential water quality impacts the operator is allowed to install the erosion and sediment control devices and then requests an inspection.
    b. If the plan is incomplete the remaining elements are requested and the work is not allowed to begin.
2. Inspections are multiphased and completed by SMSC staff, plan development staff (when the land disturbance is greater than or equal to 1 acre), and the operator.
    a. All projects are required to have inspections at the following times:
        i. After erosion and sediment control and storm water best management practice installation and before any other land disturbing activity begins. SMSC staff, plan development staff and operators are involved.
        ii. After 0.50 inches of rain or once per week – whichever comes first. Plan development staff and operators are involved.
        iii. When the site has 70% vegetative cover and before best management practice device removal. SMSC staff, plan development staff and operators are involved.
        iv. When a call has been received by Land Department staff. Whether this call is a concern or complaint an inspector will be dispatched immediately to investigate. Enforcement actions are taken if necessary.
3. After SMSC site inspections are complete the SMSC staff generates a report. If the erosion control and storm water best management practices are in proper working order no action is taken. If a best management practice needs attention the operator or plan development staff are contacted and remedial action is requested. After a second request is followed by no action, the operator or plan development staff are told that a notice to stop work order will be issued in 48 hours.
4. The Notice of Intent to stop work is then given to the developer and mailed to Land owner/lessee instructing them of the time they have to repair the deficiency before a stop work order is issued.

5. When the stop work order is issued the operator or plan development staff are informed that the SMSC will proceed within 24 hours to install and/or repair the erosion and sediment control and storm water best management practices. The SMSC then either completes the work or contracts to have the work completed.

SMSC staff drives most of the reservation during their daily affairs. The Land Department staff and the Building Officials are familiar with the erosion, sediment and storm water control requirements and notify the appropriate staff person when potential problems areas are detected.

5.4.5 Measurable Goals and Timeline

Minimum Control Measure #4

5.4.5.1 The SMSC has an erosion and sediment control and stormwater management program in operation. The inspection program consists of a site inspector or building official visiting each site when time permits. For sites that are larger than one acre the engineering firm that formulated the plan, and/or the contractor are required to visit each site once per week and/or after each 0.50" rainfall event. For sites smaller than one acre a Tribal representative will visit the site at least once every other week and the contractor will inspect the site BMPs once per week and/or after each 0.50" rainfall event during the spring, summer and fall. In all cases an inspection report will be generated and held in the open projects file.

Best Management Practice:	Continue an inspection program that consists of routine visits and the completion of inspection reports
Measurable Goal:	Implementation of a routine inspection program
Timeline:	This is an ongoing activity that will be continued into the foreseeable future.
Responsible Party:	SMSC Hydrologist (952)-496-6123
Target Audience:	Building contractors, Land Department Personnel

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #4

5.4.5.2 SMSC staff will continue to assist contractors and homeowners in permit completion. Contractors and homeowners frequently request assistance in map development and often inquire about the requirements involved in plan development.

Best Management Practice:	Assist homeowners and contractors in erosion control plan development
Measurable Goal:	The number of times assistance was provided
Timeline:	This ongoing BMP will be continued
Responsible Party:	SMSC Hydrologist (952)-496-6123
Target Audience:	Building contractors, Land Department Personnel
Crossover Education Component:	MCM#2

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #4

5.4.5.3 Trash and other construction wastes are addressed explicitly in the Tribal Manual of Approved Erosion Control and Storm Water Management Practices. When developing an erosion control plan the contractor must describe the methods used to control trash.

Best Management Practice:	Continue to require operators to identify the methods used for controlling site construction wastes and submit with their permits
Measurable Goal:	Number of recorded complaints or visual inspections recorded that identify waste as a problem
Timeline:	This is an ongoing activity and will be continued indefinately
Responsible Party:	SMSC Hydrologist (952) 496-6123
Target Audience:	Building Contractors

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

5.4.6 Contact Information

The Shakopee Mdewakanton Sioux Community Business Council has delegated the authority for the overall management of the Construction Site Runoff program.

Title	Name	Contact Number
Land Department Director	Stan Ellison	952-496-6158

Table 6. Construction Site Runoff Overall Management and BMP Implementation Personnel

5. 5 Post-Construction Storm Water Management in New Development and Redevelopment

5.5.1 Objective

To control the rate, volume and quality of storm water using structural and non-structural methods to the maximum extent practicable so as to prevent degradation of natural water bodies.

5.5.2 Justification

Why is the control of post-construction runoff necessary?

Post-construction storm water management in areas undergoing new development or redevelopment is necessary because runoff from these areas has been shown to significantly effect receiving water bodies. Many studies indicate that prior planning and design for the minimization of pollutants in post-construction storm water discharges is the most cost-effective approach to storm water quality management.

There are generally two forms of substantial impacts of post-construction runoff. The first is caused by an increase in the type and quantity of pollutants in storm water runoff. As runoff flows over areas altered by development, it picks up harmful sediment and chemicals such as oil and grease, pesticides, heavy metals, and nutrients (e.g., nitrogen and phosphorus). These pollutants often become suspended in runoff and are carried to receiving waters, such as lakes, ponds, and streams. Once deposited, these pollutants can enter the food chain through small aquatic life, eventually entering the tissues of fish and humans. The second kind of post-construction runoff impact occurs by increasing the quantity of water delivered to the water body during storms. Increased impervious surfaces interrupt the natural cycle of gradual percolation of water through vegetation and soil. Instead, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff quickly flow to the nearest receiving water. The effects of this process include stream bank scouring and downstream flooding, which often lead to a loss of aquatic life and damage to property.

5.5.3 Requirements

The Phase II Final Rule requires an operator of a regulated small MS4 to develop, implement, and enforce a program to reduce pollutants in post-construction to their MS4 from new development projects that result in a land disturbance of greater than or equal to 1 acre. The small MS4 operator is required to:

- Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs);
- Have an ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls to the extent allowable under State, Tribal or local law,

5.5.4 Current Program

The Shakopee Mdewakanton Sioux Community has several key elements for addressing post-construction storm water.

- Consolidated Land Management Ordinance – Chapter 11, Storm Water Management and Erosion Control
- Tribal Manual of Approved Erosion and Sediment Control and Storm Water Management Practices Part I and Part II

- Erosion control and storm water management new product education seminars
- Erosion control and storm water management design and product manuals

The Consolidated Land Management Ordinance, Tribal Manual of Approved Erosion and Sediment Control and Storm Water Management Practices Part I and Part II, the new product education seminars, articles written in the local newsletter, and the new product design manual are specifically tailored to the topographic relief, climate, soils, vegetation and cultural values of the SMSC. For instance; Bioengineering to accommodate storm water runoff will in certain situations be combined with traditional methods to accommodate runoff over frozen soils.

Chapter 11 of the Consolidated Land Management Ordinance directs the development of a Storm Water Management Plan (SWMP). The purpose of the SWMP as described in the Ordinance is as follows:

> "*The purpose of the SWMP is to protect the quality of the surface water of the SMSC and satisfy the appropriate water quality requirements of the federal Clean Water Act, as applied to Tribes, by reducing the discharge of pollutants into the natural surface water bodies of the SMSC to the maximum extent practical and economically feasible.*"

Chapter 11 of the Ordinance specifically addresses the discharge of pollutants as described below:

> 11.5 Discharge of Storm Water
> 11.5.1 Uncontrolled Discharge Prohibited
> *Uncontrolled and untreated discharge of storm water into any natural water of the SMSC or any other jurisdiction is prohibited from the effective date of this Chapter. Such discharges existing on the effective date of this Chapter shall be excluded from this prohibition until there is a material change, alteration or restructuring of the primary facility contributing to the discharge.*
> 11.5.2 Illicit Discharge
> *Illicit discharges into any storm water management or treatment system or any natural waters of the SMSC or any other jurisdiction are prohibited.*
> 11.5.3 Treatment Required
> *Storm water shall be treated using the most effective method economically available before discharge into any natural surface water of the SMSC or any other jurisdiction.*
> 11.5.4 Natural Treatment Methods Preferred
> *Preferred treatment methods for storm water discharges are those that most closely approximate the natural drainage system including, but not limited to, distributed ponding, vegetated swales and created wetland areas.*
> 11.5.5 Infiltration Preferred where Economically Feasible
> *Infiltration of treated storm water rather than discharge to downstream surface water is preferred where economically feasible and environmentally sound.*

The Tribal Manual of Approved Erosion Control and Storm Water Management Practices contain the design requirements for stormwater retention/detention ponds, temporary sediment basins, infiltration areas, regional ponds and the minimum runoff capture standard for a combination of practices or alternative methods.

As a general requirement the SMSC enforces a pre-development rate standard that must be met through any of the methods described in the Tribal Manual of Approved Erosion Control and Storm Water Management Practices. Alternative methods may also be used to meet these requirements if the design calculations show that the method is suitable to meet water quantity and water quality requirements.

As discussed above non-structural BMPs are encouraged through several means:

- The Consolidated Land Management Ordinance outlines the preference of the SMSC to manage stormwater through natural treatment methods. After Ordinance development an education component was initiated. The education component was developed in two tiers. The primary tier was developed for contractors of sites less than an acre and used as an introductory mechanism to the ordinance, the Tribal Manual, and the new Site Development Permit. The secondary tier was developed as a tool to show developers of sites greater than an acre, SMSC Staff, and Enterprise staff the newest products for preventing erosion, containing sediment and managing storm water

  In addition to the Ordinance all storm water pollution prevention plans are reviewed by Land Department Staff. As part of the process the Land Department Staff has the ability to provide feedback and suggest design alternatives that more effectively meet the Ordinance requirements.

- The SMSC has in place a Wetland Management Plan (WMP) which details the history, quality and management goal for each wetland on the fee and trust lands of the SMSC. The WMP describes the buffer requirements and setbacks for wetlands and sensitive water bodies.

- The Tribal Manual of Approved Erosion Control and Storm Water Management Practices describes:
  - Alternative methods for the reduction of impervious surfaces from roads, driveways and cul-de-sacs. A native vegetation list is provided for alternative impervious designs.
  - The design standards and other considerations for structural BMPs.

  In addition BMP manuals have been obtained from the Minnesota Pollution Control Agency, The Minnesota Metropolitan Council Environmental Services and Prince George's County Department of Environmental Services, Programs and Planning Division. These manuals are on display in the SMSC Land Department and available for use by plan developers, SMSC Staff, LSI Staff, Operators or Inspectors working on or developing projects for the SMSC.

- Because the SMSC assumes the maintenance of all permanent BMPs once the construction project is complete, and if applicable, the maintenance agreement has expired, the SMSC will design the maintenance regime to assure the BMPs are in proper working order. The BMP maintenance program will be based on several factors including:
  a. Operational life of the product.
  b. Wear rate – depending on the rate and volume of flow and sedimentation rate.
  c. Development in the watershed of the BMP.

5.5.5 Measurable Goals and Timeline

Minimum Control Measure #5

5.5.5.1 Currently, when a project is proposed, the engineers hired to develop the conceptual plat and storm water management system; 1) work with Land Department Staff on the conceptual design, 2) design the plan, 3) propose the plan to Tribal Staff, and 4) send the project to selected contractors for the bidding process. Tribal Staff have an opportunity to comment and provide alternatives and low impact development techniques for storm water management during the conceptual phase. This has led to several LID designs being implemented

Best Management Practice:	Continue collaboration with project designers during the conceptual phases of a project to incorporate alternative storm water management methods in project plans
Measurable Goal:	The number of alternative methods used in new and redesign projects
Timeline:	This is ongoing BMP and will be continued. Collaboration will be an integral part of all commercial, institutional, and residential projects greater than one acre
Responsible Party:	SMSC Hydrologist (952) 496-6123

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #5

5.5.5.2 The SMSC will explore opportunities to retrofit non-treated outfalls with treatment devices. The current practice of the SMSC is to review proposed projects and seek opportunities for storm water treatment. Two retrofit projects have been completed and one will be constructed in 2010.

Best Management Practice:	The SMSC will continue to explore retrofit opportunities where no treatment is present
Measurable Goal:	The number of retrofit opportunities found
Timeline:	Retrofit opportunities will continue to be explored during redevelopment projects.
Responsible Party:	SMSC Hydrologist 952-496-6123

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #5

5.5.5.3 The SMSC will encourage Tribal storm water consulting firms to have their staff attend NPDES workshops, and, training and information seminars. Such topics may include storm water design, storm water BMPs, and issues concerning storm water rate and volume.

Best Management Practice:	The SMSC will encourage NPDES training for SMSC storm water consulting staff	
Measurable Goal:	The training attended by consultant staff	
Timeline:	This is an ongoing BMP that will be continued.	
Responsible Party:	SMSC Hydrologist	(952) 496-6123
Target Audience:	Tribal contracted engineering firm	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #5

5.5.5.4 The SMSC will require low impact design alternatives on soils (see figure 2) where the infiltration rate is equal to or greater than 0.44 inches per hour. Alternative methods must account for 50% of the rate and volume generated from the new design or redesign projects when the disturbance creates 1 acre or greater of new impervious surface. All non-pervious surfaces must be taken into account when performing the calculations.

Best Management Practice:	The SMSC will continue to require low impact design alternatives on soils where the infiltration rate is equal to or greater than 0.44 inches per hour
Measurable Goal:	The number of alternative designs presented and implemented
Timeline:	This is an ongoing activity that will be continued
Responsible Party:	Contracted engineering firm and SMSC Land Department Staff
Target Audience:	Contracted engineering

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

5.5.6 Contact Information

The Shakopee Mdewakanton Sioux Community Business Council has delegated authority for the overall management for the Post-Construction Storm Water Management in New Development and Redevelopment program.

Title	Name	Contact Number
Land Department Director	Stan Ellison	952-496-6158

Table 7. Post-Construction Storm Water Management in New Development and Redevelopment overall management contact

5. 6 Pollution Prevention/Good Housekeeping for Municipal Operations

5.6.1 Objective

Develop and implement an operation and maintenance program with the goal of preventing or reducing pollutant runoff from municipal operations into the storm sewer system.

5.6.2 Justification

The Pollution Prevention/Good Housekeeping for municipal operations minimum control measure is a key element of a small MS4 storm water management program. This measure requires the small MS4 operator to examine and subsequently alter their own actions to help ensure a reduction in the amount and type of pollution that: (1) collects on streets, parking lots, open spaces, and storage and vehicle maintenance areas and is discharged into local waterways; and (2) results from actions such as environmentally damaging land development and flood management practices or poor maintenance of storm sewer systems.

While this measure is meant primarily to improve or protect receiving water quality by altering municipal or facility operations, it also can result in a cost savings for the small MS4 operator, since proper and timely maintenance or storm sewer systems can help avoid repair costs from damage caused by age and neglect.

5.6.3 Requirements

Recognizing the benefits of pollution prevention practices, the rule requires an operator of a regulated small MS4 to:

- Develop and implement an operation and maintenance program with the ultimate goal of preventing or reducing pollutant runoff from municipal operations in the storm sewer system;
- Include employee training on how to incorporate pollution prevention/good housekeeping techniques in municipal operations such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. To minimize duplication of effort and conserve resources, the MS4 operator can use training materials that are available from EPA, their State or Tribe, or relevant organizations;
- Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

5.6.4 Current Program

The Shakopee Mdewakanton Sioux Community has two primary entities that generate and manage potential pollutants from the government and corporate enterprise activities:

1. The Public Works Department

The Public Works Department is responsible for the following:

- The sweeping and plowing of SMSC roads and streets
- Storm sewer inlet cleaning
- SMSC turf management
- Small SMSC construction projects
- SMSC hazardous waste collection
- Unbound trash collection

- Public Works Department vehicle maintenance
- Snow disposal
- Minor road maintenance

2. Mystic Lake Property Services

Mystic Lake Property Services is responsible for the following:

- The sweeping and plowing of Casino entrance roads, streets and parking lots
- Fleet maintenance
- Ditch and pond trash cleanup in high traffic areas
- Snow removal and disposal

5.6.4.1 Current training

1. Parks and open space maintenance

Mystic Lake Property Services (LSI) and the Public Works Department (PWD) are responsible for the parks, managed turf and other open space areas. A pesticide applicators license is required for any person mixing or applying pesticides.

According to the Minnesota Agriculture Department:

"Noncommercial Pesticide Applicators are persons who are employees of a corporation, unit of government, educational institution or other organization, who apply pesticides as part of their job duties on sites owned, rented or leased by their employer. All noncommercial applicators must be certified and licensed to apply restricted use pesticide products".

To obtain Minnesota Department of Agriculture Noncommercial Applicators License:

a. Submit a completed pesticide applicator license application
b. Pay the license fee
c. Become certified

Commercial and noncommercial applicators must pass General Ground, Category A and /or General Aerial, Category B and at least one other category test.

New applicators must attend a recertification workshop or take correspondence study for renewal of the license the second year and every year thereafter to fulfill the continuing education requirements. These continuing education requirements must be completed the year prior to the license renewal. Exceptions: Applicators licensed in Categories C must attend a workshop every three years; Categories A, E, F, G, J, L, P, Q and S applicators must attend a workshop once every two years, but all licenses must be renewed annually. Correspondence study courses allows for renewal for only one year.

Failure to attend a recertification workshop or take correspondence study courses will require the applicator to recertify by testing, pay a retest fee equal to the workshop registration fee, and pay the license fee.

The SMSC will require all employees handling herbicides and/pesticides to be supervised by a licensed pesticide applicator. Any person applying pesticides must have a pesticide applicators license from the Minnesota Department of Agriculture.

1.a Other parks and open space training

In 2009 Public Works Department had multiple employees attend turf and grounds seminars. These include pesticide management, arboriculture and the Minnesota Lawn and Landscape conference.

2. Fleet and building maintenance

Most employees attended the pollution prevention and spill response training seminar in 2008. New employees are required to watch the pollution prevention and spill response video and take the test. And, New employees are typically trained by working closely with a supervisor who understands the procedures employed by either Mystic Lake Property Services or the Public Works Department.

3. New construction and land disturbances

During the construction season Land Department staff were available to assist contractors and owners understand the requirements of the erosion control and stormwater management program. On several occasions the SMSC Hydrologist assisted contractors and landowners develop erosion control plans.

4. Storm water system maintenance

The PWD receives training regarding storm water issues annually through the Minnesota Rural Water Association Conference.

Land Department Water Resource Staff attended seminars and received training throughout the year. The training attended in 2009 is addressed in Table 8.

5. Salt and sand application

The PWD attended the Minnesota Snow and Ice Conference in 2009.

The PWD and LSI train employees in the operation of snow removal and salt/sand application equipment.

Seminars and Training	Description
Minnesota Erosion Control Association Annual Conference	Stream and wetland restoration and research seminars and product displays
Minnesota Annual Water Resource Conference	New rules, tools, and techniques in controlling construction site erosion workshop
Tribal NPDES Phase II Workshop	NPDES Phase II Tribal workshop and training

Table 8. Current Pollution Prevention Training and Seminars

5.6.4.2 Available training resources

The pollution prevention resources currently available for Tribal staff, Mystic Lake Property Services staff and contractors are as follows

- Minnesota Metropolitan Council Environmental Services and Barr Engineering Company. *Minnesota Urban Small Sites BMP Manual: Stormwater Best Management Practices for Cold Climates.*

- Minnesota Pollution Control Agency. *Protecting Water Quality in Urban Areas.*
- Shakopee Mdewakanton Sioux Community. *Tribal Manual of Approved Erosion Control and Storm Water Management Practices.*
- Shakopee Mdewakanton Sioux Community. *Presentation on erosion control methods and the SMSC Site Development Permit.*
- Shakopee Mdewakanton Sioux Community. *Presentation on stormwater management and erosion control products.*
- United States Environmental Protection Agency Office of Wastewater Management. *Stormwater Outreach Materials (833-C-03-001).*
- United States Environmental Protection Agency. *The Pollution Prevention Toolkit: Best Environmental Practices for Fleet Maintenance (EPA 909-E-99-002).*

The pollution prevention/good housekeeping minimum measure has at the core an education component. The success of this measure depends on the ability of the SMSC staff to find overlapping messages through all six control measures and lead by example. Areas where crossover education opportunities exist include:

1. Managed turf
2. Storm water controls
3. Construction site disturbances
4. Hazardous materials management

In order for SMSC Members to accept pollution prevention the SMSC and LSI staff must lead by example. For example: If a SMSC newsletter article is written suggesting that grass, leaves, and fertilizer should be cleaned off impervious surfaces then SMSC and LSI staff should also attempt to keep the streets, sidewalks and parking lots free of grass clippings, leaves and fertilizer.

Table 9 addresses the pollution prevention activity, short and long term maintenance schedule and the disposal method for each activity.

Location	Description of activity	Disposal method
Catch basins	All sump catch basins are cleaned with a Vactor truck once per year and as needed (i.e. catch basin backup).	Transported to the Pigs Eye tertiary treatment plant in St. Paul
Construction	The roads and parking areas where construction is occurring, and where the primary operator is Mystic Lake Property Services (LSI), are cleaned daily by LSI. Construction storage areas are cleaned according to a schedule described in the operating Storm Water Pollution Prevention Plan.	Contracted disposal dumpster
SMSC car wash	The floatables are collected and deposited in a dumpster. The wastewater from the car wash flows to a grit separator.	After separation the water flows to a treatment plant. The grit is removed and hauled to a disposal site

Location	Description of activity	Disposal method
		once each month.
SMSC hazardous waste collection	During the spring and fall a notice is sent to SMSC Members stating that the PWD will be collecting household hazardous waste or waste can be dropped off at an acceptable storage center. The PWD collects the household hazardous waste and separates into bulk containers.	The PWD contracts with a licensed hazardous materials hauler
Ditches	Mystic Lake Property Services (LSI) walks high traffic areas each morning and removes trash as necessary.	Dumpster
Fleet maintenance shop	LSI and the Public Works Department collect and store their shop hazardous waste in 55 gallon drums within each shop. The drums are stored on spill protection tubs according to EPA requirements. LSI and the PWD have collection troughs to catch sediment and flammable materials. The flammable material trap is equipped with an oil and sediment separator. The oil and grit are pumped from the separator every six months. LSI and the PWD have 55 gallon spill cleanup kits.	LSI and the PWD contracts with a licensed hazardous materials hauler.
Heavy equipment storage areas	Impervious storage areas under operational control of the SMSC are swept by the PWD.	Contractor hauls to registered disposal site
Managed turf	LSI cleans managed turf clippings off the impervious surfaces after mowing.	Dumpster
	PWD collects leaves and grass clippings from SMSC managed areas.	SMSC compost site
Miscellaneous	The PWD visually inspects the SMSC for unbound trash once per month and removes as needed. Event based cleanup, such as after the SMSC Pow-Wow, is also a PWD activity.	Dumpster
Ponds	LSI inspects the high traffic area ponds for floatables twice per week and removes as needed.	Dumpster
Salt and sand	The salt/sand storage area is enclosed on three sides and has a roof.	
Snow disposal areas	Snow from parking areas is plowed to a corner of the lot to melt or moved to an off site location where it is left to melt on a semi-pervious surface.	Catch basin sumps and storm water ponds
Streets and parking lots	The Public Works Department (PWD) contracts for SMSC street and parking lot sweeping at a frequency of once per month.	Contractor hauls to registered disposal site

Table 9. Pollution Prevention Activity, Maintenance Schedule and Disposal Methods.

Target Audience	Selection Rational	Target Pollutants
Commercial		
Mystic Lake Property Services Property Services Contact: Paul Perez Number: 952-403-5599	Mystic Lake Property Services maintains the impervious surfaces, flower beds and turf areas for the following businesses: 1. Little Six Casino 2. Mystic Lake Casino 3. Playworks 4. Dakota Development Center 5. Recreational Vehicle Park, Carwash and Storage 6. Dakota Sport and Fitness	Road salt, nutrients and pesticides, grass and other products from turf management equipment
SMSC Convenience Store Contact: Michelle Watson Number: 952-445-5520	The SMSC Convenience Store is charged with the operation and maintenance of several underground fuel storage tanks. They are the first responder in the event of a patron or delivery person fuel spill. The Convenience Store also generates a regular waste stream.	Road salt, fuel, oil and operational wastes
Institutional		
Public Works Department Contact: Jeremy Gosewisch Number: 952-496-6177	The Public Works Department maintains the impervious surfaces associated with the needs of the Shakopee Mdewakanton Sioux Community Members including: 1. SMSC Convenience Store, 2. The SMSC Church, 3. Playworks 4. Dakota Sport and Fitness 5. The SMSC lift station access points, 6. The SMSC roads not maintained by LSI, Scott County, Prior Lake or Shakopee	Road salt, fuel, oil and other substances from heavy equipment, road maintenance and other construction vehicles. Sediment from construction operations.
Parks Department Contact: Kyle Chadderdon Number: 952-233-4280	The Parks Department maintains the turf areas that are not maintained by the residents or LSI. This would include the following: 1. The SMSC Church grounds, 2. Parks and playgrounds, 3. Other turf areas not managed by SMSC Members or LSI	Plant debris from turf and landscape maintenance activities and equipment.
Land Department Contact: Scott Walz Number: 952-496-6123	The Land Department comments on and approves Building and Site Development Permits. The Site Development Permit (discussed in section 5. 4) covers the erosion control and stormwater management portions of site development. The Land Department will also provide overall oversight for the Education program.	Soil from commercial, institutional and residential development.
Business Council Contact: Stan Ellison Number: 952-496-6158	The SMSC Business Council provides the general oversight and overriding authority for Tribal services, entities and projects (tribal or otherwise). This authority has been delegated to the SMSC Business Council by the SMSC General Council.	Because the SMSC Business Council provides the general oversight and overriding authority for Tribal services, entities and projects (institutional and commercial) all education efforts will need Business Council approval for action
Residential		
SMSC Members Contact: Scott Walz Number: 952-496-6123	SMSC Members conduct their daily affairs in direct proximity to storm drain inlets, conveyance channels, storm water ponds, streams, wetlands and lakes.	Sediment, nutrients, plant debris, fuel, oil, automotive operation byproducts, household wastes and pet wastes

Table 10. Selection rational and target pollutants

Comment [S2]: How many miles of roads?

5.6.5 Measurable goals and timeline

Minimum Control Measure #6

5.6.5.1 The SMSC will work with the SMSC Parks Department and Mystic Lake Property Services grounds crews to establish an education program. This may include pesticide applicator training, fertilizer applicator training, turf and grounds seminars and low impact lawn care.

Best Management Practice:	Continue to support a turf and grounds education component for the SMSC Parks Department and Mystic grounds crew	
Measurable Goal:	A record will be kept of the number of staff attending training and the training attended	
Timeline:	This is an ongoing activity and will continued indefinately	
Responsible Party:	SMSC Hydrologist	(952) 496-6123
	SMSC Parks Department	(952) 496-6171
	Enterprise Property Services Manager	(952) 403-5597
Target Audience:	Turf and Grounds Crew for the SMSC Parks Department staff and Mystic Lake Property Services staff	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #6

5.6.5.2 The SMSC uses wet ponds, rain gardens and infiltration basins to manage storm water quality and quantity. These BMPs eventually accumulate enough sediment to significantly reduce the storage capacity of the permanent pool. The loss of capacity can affect both the appearance, the infiltration rate and the pollution removal efficiency of the BMP. The SMSC has developed load rates for ponds to determine approximate remaining capacity. Infiltration basins and rain gardens are examined each year in order to ensure the treatment capacity remains intact.

Best Management Practice:	The SMSC will continue to review the remaining capacity of wet ponds and the treatment capabilities of infiltration basins and rain gardens.	
Measurable Goal:	The number of maintenance actions	
Timeline:	This is an ongoing BMP and will continue into the foreseeable future	
Responsible Party:	SMSC Hydrologist	(952) 496-6123

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #6

5.6.5.3 The Public Works Department investigated the use of alternative deicing products and used them in limited situations. Mystic Lake Property Services has decided on a sodium chloride strategy because of cost and proven reliability. A salt management strategy that describes the application rate, method of application, use of alternatives, zones of high traffic and other important variables will continue to be developed.

Best Management Practice:	The Public Works Department and Mystic Lake Property Services will continue to implement the salt management plan addressing salt application.	
Measurable Goal:	Implementation extent of the salt management plan	
Timeline:	This is an ongoing activity and will be continued	
Responsible Party:	Enterprise Property Services Manager	(952) 403-5597
	SMSC Public Works Manager	(952) 496-6171
Target Audience:	Public Works Department Staff and Mystic Lake Property Services Staff	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #6

5.6.5.4 The Public Works Department is responsible for maintaining the managed turf for the common SMSC grounds, SMSC businesses and government facilities. Mystic Lake Property Services is responsible for maintaining the managed turf for the corporation businesses and corporation business entrances. A management plan based on the desired aesthetics of each area was developed to reduce management costs and provide environmental benefits.

Best Management Practice:	Implement turf management plan	
Measurable Goal:	Successful implementation of the turf management plan	
Timeline:	This is an ongoing activity and will be continued	
Responsible Party:	Mystic Property Services Manager	(952) 403-5599
	SMSC Park Department Manager	(952) 496-6171
Target Audience:	Parks Department staff and Mystic Lake Property Services Staff	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

Minimum Control Measure #6

5.6.5.5 The Public Works Department performs maintenance on their vehicles and turf management equipment. Hazardous waste is generated and stored until the hazardous waste hauler removes it. Mystic Lake Property Services Fleet Services performs maintenance on their vehicles, turf management equipment and some government vehicles. Hazardous waste is generated and stored until the hazardous waste hauler removes it. A pollution prevention and spill response plan was developed that details the processes to be followed in the event of a spill or a leak. A video and associated test were developed. All employees in contact with hazardous waste are required to watch the video and take the test.

Best Management Practice:	The Public Works Department and Mystic Lake Property Services developed develop a pollution prevention and spill response plan. This plan will continue to be implemented.	
Measurable Goal:	The number of employees watching the video and watching the test	
Timeline:	This is an ongoing BMP and will be continued	
Responsible Party:	SMSC Public Works Manager	(952) 496-6176
	Enterprise Property Services Manager	(952) 403-5597
Target Audience:	The Public Works Department Staff, The Parks Department staff and Mystic Lake Property Services Staff	

RECORDED ACTIVITY	OTHER NOTES	MONTH/YEAR	AUTHORIZING SIGNATURE

5.6.6 Contact Information

The Shakopee Mdewakanton Sioux Community Business Council has delegated authority for the overall management of the Construction Site Runoff program.

Title	Name	Contact Number
Land Department Director	Stan Ellison	952-496-6158

Table 11. Pollution Prevention/Good Housekeeping Overall Management contact

6 Reviewing and Updating the Storm Water Pollution Prevention Program

The SMSC will complete an annual Storm Water Pollution Prevention Program review in conjunction with the preparation of the annual report.

The report will include the following:

1. A summary discussing the milestones reached for each minimum control measure.
2. Any updates or changes to the components, controls or requirements to the Storm Water Pollution Prevention Plan.
3. The comments received at the public meeting

At least thirty days prior to the March 10th report submittal date a public meeting will be held. The meeting will be preceded by a Public Notice published in the local Shakopee Mdewakanton Sioux SMSC newsletter at least thirty days prior to the public meeting.

Written comments regarding the SWPPP will be taken until February 1st of each year. These comments, along with the responses, will be included in the SWPPP.

7 References

Shakopee Mdewakanton Sioux Community Consolidated Land Management Ordinance, 2002. Chapter 4, §§ 4.7, 4.10.

Shakopee Mdewakanton Sioux Community Consolidated Land Management Ordinance, 2002. Chapter 11, §§ 11.4.5, 11.5.1, 11.5.2.

United States Environmental Protection Agency, 2000. Environmental Protection Agency Fact Sheet 1.0: Storm Water Phase II Final Rule An Overview. EPA 833-F-00-001, Office of Water (4203).

8 Appendix I – Consolidate Land Use Ordinance - Chapter 11

Storm Water Management and Erosion Control

11 CHAPTER 11, STORM WATER MANAGEMENT AND EROSION CONTROL[1]

11. 1 Purpose

The purpose of this Ordinance is to safeguard persons, protect property, and prevent damage to the environment on the trust and fee lands of the Shakopee Mdewakanton Sioux Community by reducing the amount of pollutants in the waters of the Community. This Ordinance will promote the public welfare by regulating the management of storm water discharges and by regulating the design, construction, and maintenance of any development that disturbs or breaks the topsoil on the trust and fee lands of the Shakopee Mdewakanton Sioux Community.

11. 2 Scope

This Chapter controls the discharge of storm water within the jurisdiction of the Shakopee Mdewakanton Sioux Community and provides for regulation of land disturbance, soil storage and any erosion, sedimentation, and storm water resulting from land disturbing activities. It establishes procedures for approval, issuance, administration, and enforcement of a permit for land disturbing activities. The scope of this Ordinance is intended to meet or exceed the scope of the storm water management and erosion control requirements of the federal Clean Water Act as applied to Tribal Governments.

11. 3 Relation to other Laws

Neither this Chapter nor any administrative decision made under it exempts any applicant, Permittee or any other person from procuring other required permits or complying with the requirements and conditions of such a permit.

11. 4 Definitions

11.4.7 Best Management Practices or BMP

Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the Community and of the United States.

11.4.8 Business Council

For purposes of this Chapter, the Business Council is defined as the elected body charged with administrating the daily affairs of the Community as established in its Constitution.

11.4.9 Fee Land(s)

For purposes of this Chapter Fee Land or Lands are defined as any land in which the fee simple absolute title is vested in the Shakopee Mdewakanton Sioux Community and in which no other party

---

[1] *Chapter 11 was added to the Consolidated Land Management Ordinance by General Council action on 11 March 2003 by General Council Resolution 03-11-03-004. Chapter 11 was sent to the Bureau of Indian Affairs for approval on10 March 2003. The Bureau approval was received on 25 March 2003. Chapter 11 was intended to conform SMSC law to the federal Clean Water Act requirements for storm water management and erosion control.*

has any possessory rights. Said lands are presumed to be subject to the Indian Nonintercourse Act codified at 25 U.S.C. § 177 thus restricted fee lands.

11.4.10 General Council

For purposes of this Chapter, the General Council is defined as the primary governing body of the Community as established in its Constitution.

11.4.11 Illicit Discharge

An illicit discharge means any discharge to any storm sewer that is not composed entirely of storm water except discharges pursuant to any duly issued National Pollution Discharge Elimination System permit and discharges resulting from fire fighting activities.

11.4.12 Permittee

For purposes of this Chapter, a Permittee is any person, agency, business, corporation, partnership, or any other type of entity that applies for a Site Development Permit.

11.4.13 Storm water

" Storm water" means point or nonpoint source precipitation runoff, snowmelt runoff, storm water runoff and other surface runoff or drainage.

11. 5 Discharge of Storm Water

11.5.14 Uncontrolled Discharge Prohibited

Uncontrolled and untreated discharge of storm water into any natural water of the Community or any other jurisdiction is prohibited from the effective date of this Chapter. Such discharges existing on the effective date of this Chapter shall be excluded from this prohibition until there is a material change, alteration or restructuring of the primary facility contributing to the discharge.

11.5.15 Illicit Discharge

Illicit discharges into any storm water management or treatment system or any natural waters of the Community or any other jurisdiction are prohibited.

11.5.16 Treatment Required

Storm water shall be treated using the most effective method economically available before discharge into any natural surface water of the Community or any other jurisdiction.

11.5.17 Natural Treatment Methods Preferred

Preferred treatment methods for storm water discharges are those that most closely approximate the natural drainage system including, but not limited to, distributed ponding, vegetated swales and created wetland areas.

11.5.18 Infiltration Preferred where Economically Feasible

Infiltration of treated storm water rather than discharge to downstream surface water is preferred where economically feasible and environmentally sound.

11. 6 Storm Water Management Plan

11.6.19 Plan Required

The Community shall establish and maintain a Storm Water Management Plan, hereinafter SWMP, which includes all lands held in trust for, or owned by, the Community.

11.6.20 Plan Purpose

The Purpose of the SWMP is to protect the quality of the surface waters of the Community and satisfy the appropriate water quality requirements of the federal Clean Water Act, as applied to Tribes, by reducing the discharge of pollutants into the natural surface water bodies of the Community to the maximum extent practible and economically feasible.

11.6.21 Plan Contents

The SWMP shall contain, at a minimum, information regarding the areas contained in this Section.

11.6.21.1 **Public Education**

The SWMP shall contain provisions establishing a public education program related to non-point source pollution and impacts from polluted storm water discharges.

11.6.21.2 **Public Participation and Involvement**

11.6.21.2.1 Natural Resources Committee

The Business Council is hereby authorized to establish a Natural Resources Committee consisting of the Business Council, two primary members and one alternate member. All Natural Resources Committee members shall be enrolled Members of the Community. The Natural Resources Committee, if such is formed, shall review any SWMP and any amendment to an SWMP. The Natural Resources Committee may provide a report to the General Council on the contents of the SWMP or amendment at the public hearing held before adoption of the plan or amendment.

11.6.21.2.2 Public Meetings

A minimum of one public meeting shall be conducted at least one week before the adoption of any SWMP or amendment to any SWMP. Notice of this public meting shall be provided by posting in the Community Government Center at least 30 days before the date of the public meeting.

11.6.21.3 **Illicit Discharge Detection and Elimination**

The SWMP shall include methods for detecting and eliminating illicit discharges to the storm water system on the Community.

11.6.21.4 **Construction Site Runoff Controls**

The SWMP shall include information that conforms to the requirements of this Chapter. Construction site runoff management practices may be contained in a separate Tribal Manual of Approved Erosion Control and Storm Water Management Practices, they may be incorporated into the body of the

SWMP or they may be incorporated into the SWMP as an appendix as long as said practices are available for use and review by applicants and Permittees under this Chapter.

11.6.21.5 **Permanent Runoff Controls**

The SWMP shall include provisions for permanent management of storm water on Community lands including a map of the existing storm water management system and any proposed modifications. Post construction runoff planning provided in a Site Development Permit issued under the authority of this Chapter shall be integrated into the overall permanent runoff controls.

11.6.21.6 **Pollution Prevention**

The SWMP shall include provisions for preventing or limiting pollutant runoff from all Community government and enterprise operations. Government and enterprise operations shall review activities that may affect storm water quality in the following sequence.

- Eliminate the use of potential pollutants
- Reduce the use of potential pollutants
- Prevent pollutants from reaching storm water treatment facilities; and
- Use treatment facilities to reduce pollutants in final storm water discharges

11.6.22 Plan Application

The SWMP shall apply to all actual or potential storm water discharges on trust lands as defined in Chapter 1, Section 1.3 (K) or on Fee Lands as defined in this Chapter.

11. 7 Permits

11.7.23 Purpose

The following required permits are intended to limit or eliminate erosion and control sediment transport off construction sites on Community lands.

11.7.24 Site Development Permit Required

A Site Development Permit is required for any land disturbing activity requiring disturbance of a significant area of any land under the jurisdiction of the Shakopee Mdewakanton Sioux Community. For purposes of this Chapter a disturbance of 10,000 square feet or greater shall be deemed significant. Disturbances of lesser areas may be determined to be significant by the General Council or by the Business Council under the authority delegated in this Chapter. The Site Development Permit shall be issued to the Owner, Lessee or the Contractor responsible for the project requiring the land disturbing activity.

11.7.25 Required Plans

The plans listed below are a required part of the application for a Site Development Permit as stated in the following paragraphs and no such permit shall be issued without the required plan.

11.7.25.1 **Erosion and Sediment Control Plan**

No person shall be granted a Site Development Permit for land disturbing activities that would require the uncovering of 10,000 or more square feet or involving more than five hundred (500) cubic yards of

earth without submission of an Erosion and Sediment Control Plan to the Business Council and approval thereof.

11.7.25.2 **Storm Water Pollution Prevention Plan**

No person shall be granted a Site Development Permit for land disturbing activities that would require the uncovering of 1 acre or more without the approval of an Erosion and Sediment Control Plan and a Storm Water Pollution Prevention Plan by the Business Council of the Shakopee Mdewakanton Sioux Community.

11.7.26 Conformance to Plan Required

A Permittee shall perform all clearing, grading, drainage, construction, and development in strict accordance with any approved plan.

11.7.27 Plan Scale and Sufficiency

All plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and off-site sedimentation.

11.7.28 Required Plan Elements

The Business Council shall include information detailing required plan content in the SWMP and Community Manual of Approved Erosion Control and Storm Water Management Practice.

11.7.29 Permit Required Near Waterway or Shoreline

Regardless of any other requirements of this Chapter, an application for a permit for any land disturbing activities conducted within 100 feet of any watercourse, wetland, lake or other water body shall include an Erosion and Sediment Control Plan and a Storm Water Pollution Prevention Plan and no such permit shall be issued without approval of those plans.

11.7.30 National Pollution Discharge Elimination System (NPDES) Permit Requirement

A NPDES Permit may be required for any soil disturbance equal to or greater than one acre. Any plan submitted as part of an application for a Community Site Development Permit involving greater than one acre of soil disturbance must meet the requirements for a federal NPDES permit for such activity.

11. 8 Permit Exemptions

The following activities are exempt from obtaining a Site Development Permit and from following the procedures required in this Chapter except the general standards of work included in Section 11.7.1 of this Chapter.

- Drain tiling, tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops.
- Installation of fence, sign, telephone, or electric poles and other kinds of posts or poles.
- Cemetery graves.
- Emergency work to protect life, limb, or property and emergency repairs, provided the land area disturbed is adequately shaped and stabilized when appropriate in accordance with the

requirements of the Community Manual of Approved Erosion Control and Storm Water Management Practice.

- Construction, installation, and maintenance of electric, telephone, or cable television utility lines or individual service connection to these utilities, where less than ten thousand (10,000) square feet of land is anticipated to be disturbed, provided it does not impact a watercourse, and is not located in a floodplain.
- All maintenance, repair, resurfacing and reconditioning activities of existing road, bridge and highway systems which do not involve land disturbing activities outside of the existing surfaced roadway area.
- Any activity where the total volume of material disturbed, stored, disposed of or used as fill does not exceed five[2] (500) cubic yards or the area disturbed does not exceed ten thousand[3] square feet provided it does not obstruct a watercourse, and is not located in a floodplain.

11. 9 Delegations of Authority

11.9.31 Issuance of Permits

The General Council hereby delegates the authority to the Business Council to issue Site Development Permits as defined in this Chapter and in accordance with the standards and procedures herein.

11.9.32 Enforcement of Permit Conditions

The General Council delegates to the Business Council the authority to enforce Site Development Permits to protect the water, soil and other natural resources of the Community in accordance with this Ordinance.

11.9.33 Storm water Management Plan

The General Council delegates the authority to the Business Council to draft, publish, amend and maintain a Community Storm Water Management Plan that conforms to, and meets the requirements of, this Chapter.

11.9.34 Manual of Best Management Practices

The General Council delegates the authority to the Business Council to draft, publish, amend and maintain a Community Manual of Approved Erosion Control and Storm Water Management Practices that directs the types of actions acceptable to meet the conditions of a Site Development Permit and to protect the natural resources of the Community.

11. 10 Manner of Work

11.10.35 General Requirement

All land disturbing or land filling activities or soil storage undertaken on land under the jurisdiction of the Shakopee Mdewakanton Sioux Community, whether subject to a Site Development Permit or

[2] This was intended to read five hundred and did so in earlier drafts.
[3] This was intended to be 500 square feet. This would exempt any disturbance less than 500 square feet thus establishing the minimum limit for "significant disturbance" in Paragraph 11.7.2.

otherwise, shall be undertaken in a manner designed to minimize surface runoff, erosion and sedimentation.

11.10.36 Performance Standards

A construction project shall be considered in conformance with this Chapter if:

- soils have been prevented from being deposited onto adjacent properties, rights-of-ways, public storm drainage system, or lake, wetland or watercourse;
- storm water created during and after the project has been accounted for in conformance with the requirements in this permit and the Tribal Manual of Approved Erosion Control and Storm Water Management Practices;
- the design, testing, installation, and maintenance of erosion control and storm water operations and facilities adhere to standards and specifications contained in this Ordinance.

11.10.37 Exempt Activities Included

Activities exempted under this Chapter and any activities excluded under the definition of land disturbance activities in this Chapter are subject to the provisions of this section regardless of their exempt or excluded status.

11.10.38 Notice and Repair

Whenever the Community determines that any land disturbing activity has become a hazard to life and limb, or endangers the property of another, or adversely affects the safety, use, slope, or soil stability of a lake, waterway, or wetland, the owner/lessee of the property upon which the land disturbing activity is located, or other person or agent in control of said property, upon receipt of notice in writing from the Community, shall within the period specified therein repair or eliminate such conditions.

11.10.39 Recovery of Costs

If the Community incurs costs to enforce the provisions of this section or to remediate the results of any activity that violates this Chapter, reimbursement of those costs to the Community must occur before final inspection and the issuance of any certificate of completion.

11. 11Application

11.11.40 Application Required

A written application from the owner of the site or his/her authorized representative shall be required for each permit. All permit applications shall include the required Permit Application Form and three copies of any plan required for the permit.

11.11.41 Certification of Plans

Plans and specifications shall be prepared or approved and signed by a civil engineer, surveyor, architect, professional hydrologist, or landscape architect certified or licensed to act in the State of Minnesota.

11.11.42 Fees and Performance Bond or Letter of Credit

Any Applicant other than the Community itself or one of its enterprises shall be required to file with the Shakopee Mdewakanton Sioux Community an application fee and performance bond or letter of credit or other improvement security in an amount deemed sufficient by the Business Council to cover costs of improvements, landscaping, maintenance of improvements, engineering and inspections for such a period as specified by the Business Council provided that said fee, performance bond or letter of credit shall not exceed 10% of the total cost of the project. Any fees, performance bond or letter of credit for said permit shall be paid before work commences.[4]

11.11.43 Permit Application Form

The General Council directs the Business Council to develop and update a permit application form suitable for the purposes of this Chapter.

11. 12Permit Duration

Permits issued under this Chapter shall be valid for the period during which the proposed land disturbing or filling activities and soil storage takes place or is scheduled to take place, whichever is shorter, but in no event shall such a permit be valid for more than one (1) year unless the Business Council expressly approves an extended permit duration due to project specific reasons. The Permittee shall commence permitted activities within one hundred eighty (180) days of the scheduled commencement date for grading or the Permittee shall resubmit all required application forms, maps, plans, and schedules to the Business Council, except where an item to be resubmitted is waived by the Business Council.

11. 13Permit Renewals/Extensions

A Permittee shall fully perform and complete all of the work required in the sequence shown on the plans within the limit specified in the permit. Before the expiration of a Site Development Permit, a Permittee may present a written request for an extension to the Business Council. A one time no fee extension, not to exceed ninety (90) days, may be granted at the discretion of the Business Council. The Business Council may authorize additional extensions not to exceed a total of one (1) year at a fee rate to be determined by the Business Council.

11. 14Permit Review, Approval and Denial

11.14.44 Review

The Community Land and Natural Resources Department will review each application for a site development permit to determine its conformance with this Chapter and the Community Manual of Approved Erosion Control and Storm Water Management Practice.

11.14.45 Notice of Determination

Within 30 days after receiving the application, the Business Council, upon the advice of the Land and Natural Resources Department, shall provide written notice of one of the following:

All requirements have been met and the permit application is approved;

---

[4] *The Business Council set the fee for residential permits $340.00 per permit in 2003 after passage and approval of the amendment.*

The permit application is approved subject to conditions necessary to secure substantially the objectives of this Ordinance; or

The permit application is not approved including the reason(s) for that disapproval and the procedure for submitting a revised application. Under this condition, the application shall be resubmitted before a permit is authorized.

11.14.46 Failure to Act Within 30 Days

Failure of the Business Council to act on an original or revised application within 30 days of receipt of a full and complete application shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the Business Council. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Land and Natural Resources Department and approved by the Business Council.

11.14.47 Failure to Meet Criteria

If the Business Council determines that the Erosion and Sediment Control Plan or the Storm Water Pollution Prevention Plan does not meet the requirements of this Chapter, the Business Council shall not issue a Site Development Permit for the land disturbing activity. All land use and building permits shall be suspended until the Permittee has an approved Site Development Permit.

11.14.48 Required Permit Conditions

All permits shall include the following conditions:

1. The granting or securing from others and the recording in the appropriate land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities.
2. Adequate control of dust by watering, or other control methods acceptable to the Business Council, and in conformance with applicable air pollution ordinances.
3. Improvements of any existing grading, ground surface or drainage condition of the site (not to exceed the area as proposed for work or development in the application) to meet the standards required in this Chapter for new grading, drainage and erosion control.

11.14.49 Additional Conditions Allowed

In granting any permit pursuant to this Chapter, the Business Council may impose such additional conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property.

11. 15Liability

The Permittee is responsible for safe completion of the project. Issuance of a Site Development Permit, compliance with the provisions of this Chapter or compliance with any condition imposed by the Business Council shall not relieve any Permittee or other person or party from responsibility for damage to person or property resulting from a soil disturbing activity. By issuing a Site Development Permit the Community shall not be deemed to have waived its sovereign immunity or to have accepted any responsibility or liability for any occurrence related to the soil disturbing activity.

11. 16Responsibility of Permittee

11.16.50 Conformance With Plans

A Permittee shall maintain a copy of the permit, approved plans and reports required under the permit on the work site and available for public inspection during all working hours. The Permittee shall, at all times, be in conformity with the approved Site Development Permit, Erosion and Sediment Control Plan, Storm Water Pollution Prevention Plan and conform to the following:

11.16.50.1 **General**

Notwithstanding other conditions or provisions of the permit, or the minimum standards set forth in this Chapter, the Permittee is responsible for the prevention of damage to adjacent property. No person shall grade or excavate land in any manner, or so close to the property line as to endanger or damage any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result.

11.16.50.2 **Public Ways**

The Permittee shall be responsible for the prompt removal of, and the correction of damages resulting from, any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfare incident to the construction activity or during transit to and from the construction site.

11. 17Limitation of Permit Authorization

The issuance of a Site Development Permit shall constitute an authorization to do only that work described in the permit, or shown on the approved site plans and specifications, all in strict compliance with the requirements of this Chapter, unless each and every modification or waiver is specifically listed and given specific approval by the Business Council.

11. 18 Compliance

The Permittee, his/her agent, contractors and employees shall carry out the proposed work in accordance with the approved plans and specification, and in compliance with all the requirements of the permit.

11. 19Changes to Plans

All changes or modifications to an approved Erosion and Sediment Control Plan and/or a Storm Water Pollution Prevention Plan must adhere to the following conditions:

11.19.51 Submittal

All proposals to modify the approved plans must be submitted to the Business Council for approval. No grading or any type of work in connection with any proposed modification shall be undertaken without prior written approval of the Business Council.

11.19.52 All Changes Must Comply With Community Manual

When inspection of a site indicates that the approved plan needs change, the change shall comply with the Community Manual of Approved Erosion Control and Storm Water Management Practice.

11.19.53 Minor Modifications

The Business Council may delegate the authority to Community employees to approve minor modifications to an approved Site Development Permit and the associated plans. Such an authorized employee may approve minor modifications to approved Erosion and Sediment Control Plans and/or a Storm Water Pollution Prevention Plan in the field if documented on a field inspection report. Such modifications shall be noted on the approved plans, signed by the Inspector, and dated. A list of allowable field modifications for use by field inspection personnel will be kept on file in the Land Office.

11.19.54 Major Revisions

The Permittee shall submit requests for major revisions to an approved Erosion and Sediment Control Plan and/or a Storm Water Pollution Prevention Plan to the Business Council. This includes revisions due to plan and site discrepancies and inadequacies in controlling storm water, erosion and sediment as revealed through inspection.

11. 20Inspection and Supervision

11.20.55 Pre-Construction Meeting

The contractor and/or its agents shall conduct a pre-construction meeting on-site with the Business Council or its designated staff on each site that has an approved Erosion and Sediment Control Plan.

11.20.56 Inspections

The Business Council may delegate the authority to conduct site inspections to Community staff or qualified contractors or consultants contracted with the Community. After commencing initial grading, excavating or land disturbing activities, the Permittee shall obtain written inspection approvals by the Business Council or an authorized employee at the stages to be determined by the Business Council and detailed in the Community Manual of Approved Erosion Control and Storm Water Management Practice.

11.20.57 Request for Inspections

Permittee requests for inspections shall be made at least twenty-four (24) hours in advance (exclusive of Saturdays, Sundays, and holidays) of the time the inspection is desired. Upon request for inspections, the Business Council, or a designated employee, shall perform the inspection within forty-eight (48) hours of the request.

11.20.58 Permission to Enter

By applying for a Site Development Permit, the Applicant or the landowner performing such work grants the Business Council, and its designated representative, the right to enter the site for the purpose of inspecting compliance with the Erosion and Sediment Control Plan or for performing any work necessary to bring the site into compliance with the Erosion and Sediment Control Plan. This does not include consent to enter into any building which is completed and which has been secured, but does

include consent to inspect any area of the property where land disturbing activity is occurring or is thought to be planned as a site of land disturbing activity.

11. 21Required Reporting

The Permittee shall submit written reports to the Business Council under the following circumstances along with recommendations for corrective measures, if deemed necessary and appropriate, with such reports unless the requirement is waived by the Business Council:

11.21.59 Delay in Plan Implementation

There are delays in obtaining materials, machinery, services or manpower necessary to the implementation Erosion and Sediment Control Plan and or the Storm Water Pollution Prevention Plan as scheduled.

11.21.60 Delay in Soil Disturbance

There are delays in land disturbing or filling activities or soil storage.

11.21.61 Work out of Conformance

The work is not being done in conformance with the approved Erosion and Sediment Control Plans and/or the Storm Water Pollution Prevention Plan.

11.21.62 Departures from Plan

There are any departures from the approved site plan that may affect implementation of the Erosion and Sediment Control Plans and/or Storm Water Pollution Prevention Plan as scheduled.

11.21.63 Other Departure from Plan Implementation

There are any other departures from implementation of the Erosion and Sediment Control Plan and/or Storm Water Pollution Prevention Plan.

11. 22Security

The Business Council may require posting of a surety bond or letter of credit in an amount determined appropriate by the Business Council but in no case shall such fee exceed 10 percent of the total cost of the project requiring the land disturbing activity. The bond or letter of credit shall be in such a form and amount as is necessary to assure that the work, if not completed in accordance with the approved plan and specification, will be corrected.

11. 23Enforcement

11.23.64 Authority

The Business Council shall be responsible for the enforcement of this Chapter and is hereby delegated the authority to perform actions required to conduct such enforcement activities as are described in and allowed by this Chapter.

11.23.65 Notice of Noncompliance

Notice of Non Compliance with any part of a Site Development Permit shall be in writing delivered to the Permittee/Owner/Lessee and posted on the permitted work site. After posting or delivery of a Notice of Non-Compliance, the Permittee or his/her contractor shall be required to make the correction within the time period determined by the Business Council and stated on the Notice of Non-Compliance. The Business Council may require that the corrective work begin immediately.

11.23.66 Stop Work Orders

The Business Council may post a stop-work order for the entire project or any specified part thereof if any of the following conditions exist:

4. Any land disturbance activity regulated under this Chapter is being undertaken without a permit.
5. The Erosion and Sediment Control Plan is not being fully implemented.
6. The Storm Water Pollution Prevention Plan, if necessary, is not being fully implemented.
7. Any of the conditions of the permit are not being met.

11.23.67 Posting Required

For the purposes of this section, a notice of non-compliance or a Stop-Work Order is validly posted by posting a copy of the stop-work order on the site of the land disturbing activity in reasonable proximity to a location where the land disturbing activity is taking place. Additionally, a copy of the order, in case of work where there is a valid Site Development Permit, shall be mailed by first class mail, postage pre-paid, to the address listed by the Permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as lessee/owner of the property.

11.23.68 Failure to Cease Work Under Permit

If the Permittee does not cease the activity or comply with the Erosion and Sediment Control Plan and/or the Storm Water Pollution Prevention Plan or permit conditions within one (1) day, the Business Council may revoke the Site Development Permit. Continuing work after permit revocation shall make all activity subject to Section 11.23.6 of this Chapter.

11.23.69 Failure to Cease Unpermitted Work

If the owner or land user where no permit has been issued does not cease the land disturbing activity, the Business Council may take whatever action is authorized under tribal law. Failure to cease unpermitted work shall be deemed a public nuisance under the terms of tribal law. Failure to cease un-permitted work shall be deemed a violation of a residential land assignment and lease under tribal law.

11.23.70 Retraction

The Business Council may retract the Stop Work Order at any time it appears the Permittee or person working is complying with this Chapter. Such retraction of the Stop Work Order shall have the effect of nullifying any legal condition of breach or nuisance created by issuance of the Stop Work Order.

11.23.71 Corrective Action Authorized

The Business Council may authorize whatever corrective action is necessary to bring the Permittee(s) into compliance and prevent creation of a nuisance or damage to property or natural resources.

11.23.72 Notice of Intent to Repair

Immediately after posting the Stop Work Order, the Business Council may issue a Notice of Intent to Repair to the Permittee, lessee, or land user of the Business Council's intent to perform work necessary to comply with this Chapter.

11.23.73 Right to Repair

The Business Council shall have the right to proceed with any work required to repair the work in place and bring it into compliance with the Plans filed with any approved Permit or with the general terms of this Chapter if no permit was issued. The Community, or its staff or contracted representative, may go on the land and commence work two working days after issuing the notice of Intent to Repair. The costs incurred by the Business Council to perform this work shall be paid by the owner or Permittee out of the bond referred to in Section 11.23 of this Chapter, to the extent that the amount is covered thereby, with the remainder being directly due and owing by the owner or Permittee. In the event no permit was issued or no bond was posted, the cost, plus interest at the rate authorized by the Business Council, plus a reasonable administrative fee shall be billed to the owner. If in any event the amount due is not paid, the Business Council shall determine the procedure for collection of the amount due.

11.23.74 Cost Chargeback Authorized

Any cost incurred by the Community for corrective action shall be charged back to the Permittee and may be paid for through use of the letter of credit, direct payment, pursuit of bonding or any other means available to the Community.

11.23.75 Tribal Court Review of Payment Recovery

Any decision made by the Business Council to seek and enforce recovery of any payment out of a bond or letter of credit posted by a Permittee may be reviewed by the Tribal Court as provided for herein. A Permittee provided notice of intent to recover payment may appeal such decision to the Tribal Court by filing an appeal petition with the Clerk of Court within seven days from the date notice is received. The sole question on appeal shall be whether the Permittee complied with the requirements of the Site Development Permit as issued. If the Permittee failed to comply with the requirements of the Site Development Permit as issued the recovery of payments by the Community shall be considered valid. The Tribal Court shall set the hearing for any appeal at the next available court date but in no case more than 30 days from the date of filing of the appeal petition. The Tribal court shall issue a finding of fact and order within 90 days of the date of the hearing of the appeal.

11. 24Final Reports

Upon completion or the work, the Business Council may require a report (including as-built construction plans) from a civil engineer, surveyor, architect, professional hydrologist, or landscape architect certifying that all storm water and erosion and sediment control devices have been completed in accordance with the conditions of the permit and approved plans and specification, and with specific listing of all approved changes and modifications.

11. 25 Certification of Completion

Upon receipt and approval of the final reports, if required, or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this subtitle, the Business Council will issue a letter certifying completion.

11. 26 Jurisdiction

Any Applicant, by accepting a permit and beginning work, agrees to be subject to the jurisdiction of the Shakopee Mdewakanton Sioux Community Tribal Court for all permit related matters including adjudication of disputes related to permit conditions, completion of work, conformance to plan specifications and any costs or charges related to remedial work performed by or for the Community to protect natural resources or comply with any plan provision.

11. 27 Grant of Jurisdiction to the Tribal Court

The Tribal Court is hereby granted jurisdiction to hear and determine the recovery of possession claims provided by this Chapter.

11. 28 Effective date

This Ordinance shall become effective on the date of enactment and when all necessary approvals are final.